תלמוד בבלי

KOREN TALMUD BAVLI

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NAZIR

COMMENTARY BY

RABBI ADIN EVEN-ISRAEL STEINSALTZ

THE NOÉ EDITION



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Koren Talmud Bavli

THE NOÉ EDITION

NAZIR



Steinsaltz Center



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COMMENTARY BY

Rabbi Adin Even-Israel Steinsaltz

EDITOR-IN-CHIEF

Rabbi Dr Tzvi Hersh Weinreb

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Rabbi Joshua Schreier

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STEINSALTZ CENTER

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הִנֵּה יָמִים בָּאִים, נְאֻם אֲדֹנָי יֱהוִה, וְהִשְׁלַחְתִּי רָעָב בָּאָרֶץ,
לֹא־רָעָב לַלֶּחֶם וְלֹא־צָמָא לַמַּיִם, כִּי אִם־לִשְׁמֹעַ אֵת דִּבְרֵי יהוה.

Behold, days are coming – says the LORD God –
I will send a hunger to the land, not a hunger for bread
nor a thirst for water, but to hear the words of the LORD.

(AMOS 8:11)

The Noé edition of the Koren Talmud Bavli
with the commentary of Rabbi Adin Even-Israel Steinsaltz
is dedicated to all those who open its cover
to quench their thirst for Jewish knowledge,
in our generation of Torah renaissance.

This beautiful edition is for the young, the aged,
the novice and the savant alike,
as it unites the depth of Torah knowledge
with the best of academic scholarship.

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words become worlds.

It will claim its place in the library of classics,
in the bookcases of the Beit Midrash,
the classrooms of our schools,
and in the offices of professionals and businesspeople
who carve out precious time to grapple with its timeless wisdom.

For the Student and the Scholar

DEDICATED BY LEO AND SUE NOÉ

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Once upon a time, under pressure of censorship,
printers would inscribe in the flyleaves
of volumes of the Talmud:

Whatever may be written herein about gentiles
does not refer to the gentiles of today,
but to gentiles of times past.

Today, the flyleaves of our books bear a similar inscription,
albeit an invisible one:

Whatever may be written herein about Jews
does not refer to the Jews of today,
but to Jews who lived in other times.

So we are able to sit down and study Torah, Talmud,
books of ethics, or books of faith
without considering their relevance to our lives.

Whatever is written there
does not apply to us or to our generation,
but only to other people, other times.

We must expunge from those invisible prologues
the notion that the words are written about someone else,
about others, about anyone but us.

Whether the book is a volume of Torah,
a tractate of the Talmud, or a tract of faith,
the opposite must be inscribed:

Whatever is written herein refers only to me;
is written for me and obligates me.

First and foremost, the content is addressed to me.

— From a public address by Rabbi Adin Even-Israel Steinsaltz
as quoted in חיי עולם (*Talks on Parashat HaShavua*)
Maggid Books, 2011

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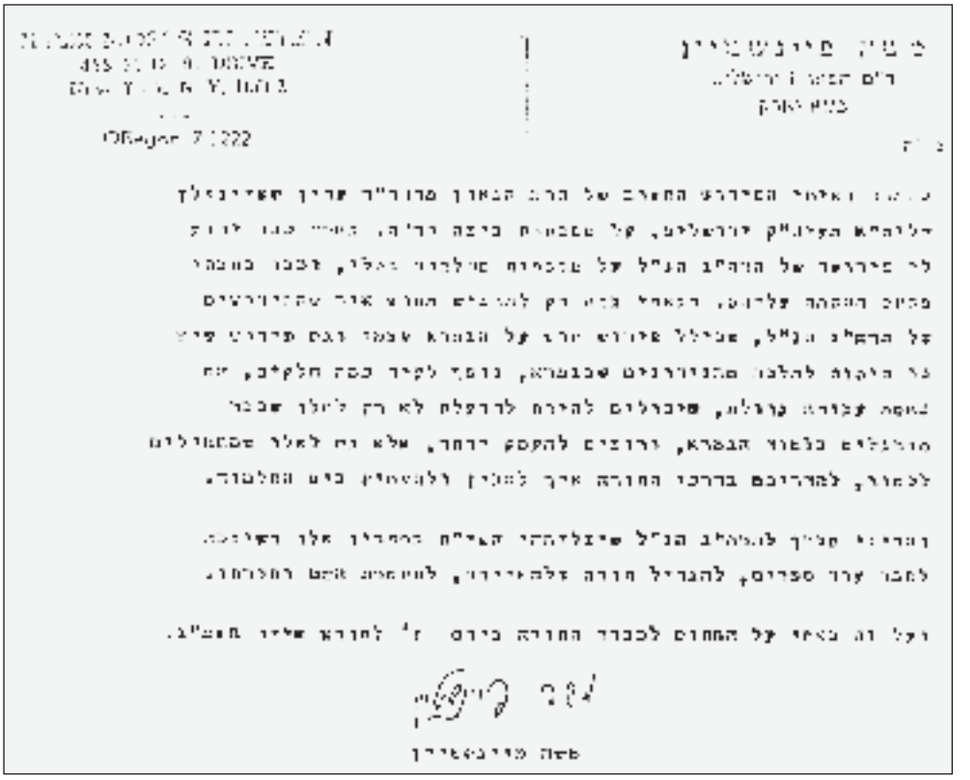
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Haskama

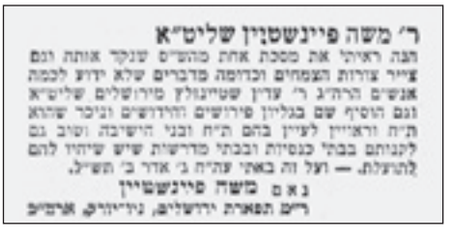
Rabbi Moshe Feinstein



…These new commentaries – which include a new interpretation of the Talmud, a halakhic summary of the debated issues, and various other sections – are a truly outstanding work; they can be of great benefit not only to those familiar with talmudic study who seek to deepen their understanding, but also to those who are just beginning to learn, guiding them through the pathways of the Torah and teaching them how to delve into the sea of the Talmud.

I would like to offer my blessing to this learned scholar. May the Holy One grant him success with these volumes and may he merit to write many more, to enhance the greatness of Torah, and bring glory to God and His word…

Rabbi Moshe Feinstein
New York, 7 Adar 5743



ר' משה פיינשטיין שליט"א
הנה ראיתי את מסכת אחת מהש"ס שנקד אותה וגם צייר צורות הצמחים וכדומה מדברים שלא ידוע לכמה אנשים הרחיב ר' עדין שטיינזלץ מירושלים שליט"א וגם הוסיף שם בגליון פירושים החדושים וניכר שהוא ת"ח וראויין לעיין בהם ת"ת ובני הישיבה ושוב גם לקנותם בבתי כנסיות ובבתי מדרשות שיש שיהיו להם להועלת. — ועל זה באתי עה"ח ג' אדר ב' תשי"ל.
נאום משה פיינשטיין
ראש הסאות ירושלים, ניו־יורק, אמריקא

I have seen one tractate from the Talmud to which the great scholar Rabbi Adin Steinsaltz שליט"א has added *nikkud* (vowels) and illustrations to explain that which is unknown to many people; he has also added interpretations and innovations, and is evidently a *talmid ḥakham*. *Talmidei ḥakhamim* and yeshiva students ought to study these volumes, and synagogues and *batei midrash* would do well to purchase them, as they may find them useful.

Rabbi Moshe Feinstein
New York, Adar 5730

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…I have just had the pleasant surprise of receiving tractate *Shabbat* (part one), which has been published by [Rabbi Steinsaltz] along with his explanations, etc. Happy is the man who sees good fruits from his labors. May he continue in this path and increase light, for in the matters of holiness there is always room to add – and we have been commanded to add – for they are linked to the Holy One, Blessed be He, Who is infinite. And may the Holy One grant him success to improve and enhance this work, since the greater good strengthens his hand…

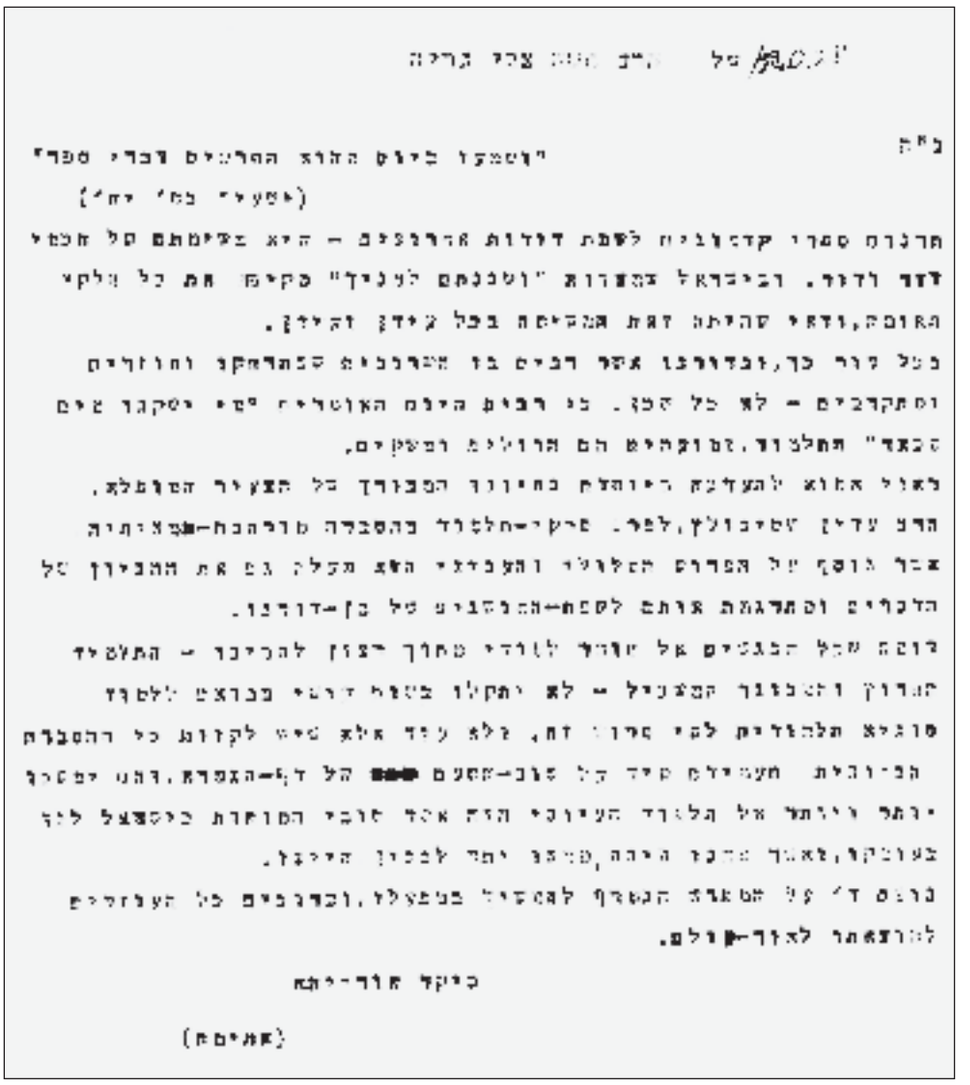
Rabbi Menachem Mendel Schneerson
The Lubavitcher Rebbe
Brooklyn, 5 Marḥeshvan 5729

Haskama
Rabbi Menachem Mendel Schneerson

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Haskama

Rabbi Moshe Zvi Neria



The translation of the books of our past into the language of the present – this was the task of the sages of every generation. And in Israel, where the command to "teach them repeatedly to your children" applies to all parts of the nation, it was certainly the task of every era. This is true for every generation, and in our time – when many of those who have strayed far are once again drawing near – all the more so. For many today say, "Who will let us drink from the well" of Talmud, and few are those who offer up the waters to drink.

We must, therefore, particularly commend the blessed endeavor of Rabbi Adin Steinsaltz to explain the chapters of the Talmud in this extensive yet succinct commentary, which, in addition to its literal interpretation of the text, also explicates the latter's underlying logic and translates it into the language of our generation.

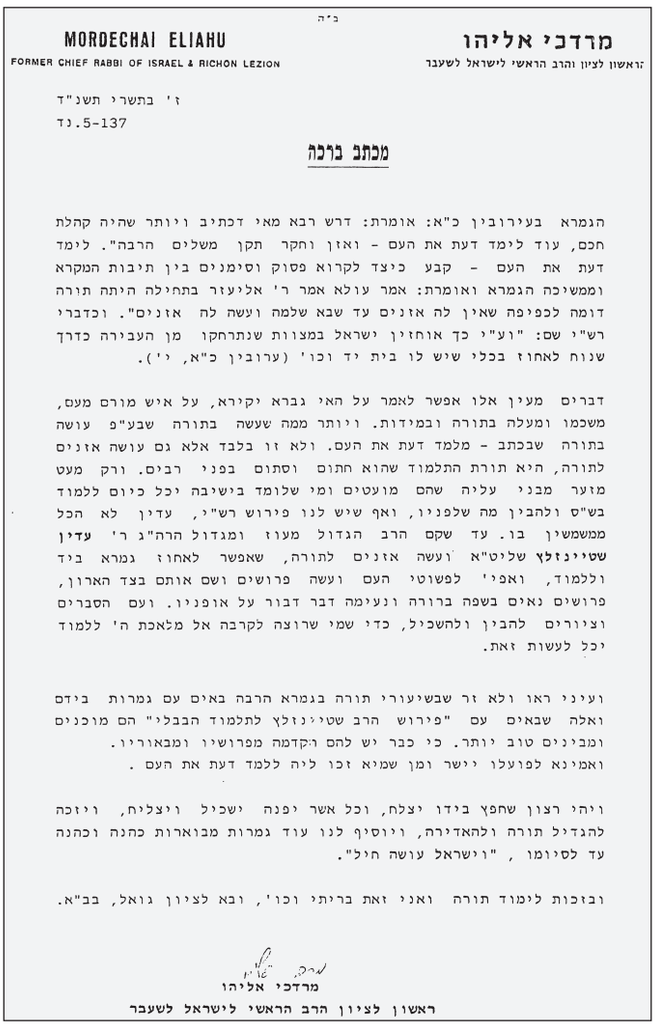
It appears that all those who seek to study Talmud – the diligent student and the learned adult – will have no difficulty understanding when using this commentary. Moreover, we may hope that the logical explanation will reveal to them the beauty of the talmudic page, and they will be drawn deeper and deeper into the intellectual pursuit which has engaged the best Jewish minds, and which serves as the cornerstone of our very lives…

Rabbi Moshe Zvi Neria

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Haskama

Rabbi Mordechai Eliyahu



ב״ה

MORDECHAI ELIAHU
FORMER CHIEF RABBI OF ISRAEL & RICHON LEZION

מרדכי אליהו
הראשון לציון והרב הראשי לישראל לשעבר

ז' בתשרי תשנ"ד
נד.5-137

מכתב ברכה

הגמרא בעירובין כ"א: אומרת: דרש רבא מאי דכתיב ויותר שהיה קהלת חכם, עוד לימד דעת את העם - ואזן וחקר תקן משלים הרבה". לימד דעת את העם - קבע כיצד לקרוא פסוק וסימנים בין תיבות המקרא וממשיכה הגמרא ואומרת: אמר עולא אמר ר' אליעזר בתחילה היתה תורה דומה לכפיפה שאין לה אזנים עד שבא שלמה ועשה לה אזנים". וכדברי רש"י שם: "וע"י כך אוחזין ישראל במצוות שנתרחקו מן העבירה כדרך שנוח לאחוז בכלי שיש לו בית יד וכו' (ערובין כ"א, י').

דברים מעין אלו אפשר לאמר על האי גברא יקירא, על איש מורם מעם, משכמו ומעלה בתורה ובמידות. ויותר ממה שעשה בתורה שבע"פ עושה בתורה שבכתב - מלמד דעת את העם. ולא זו בלבד אלא גם עושה אזנים לתורה, היא תורת התלמוד שהוא חתום וסתום בפני רבים. ורק מעט מזער מבני עליה שהם מועטים ומי שלומד בישיבה יכל כיום ללמוד בש"ס ולהבין מה שלפניו, ואף שיש לנו פירוש רש"י, עדין לא הכל ממשמשין בו. עד שקם הרב הגדול מעוז ומגדול הרה"ג ר' **עדין שטיינזלץ** שליט"א ועשה אזנים לתורה, שאפשר לאחוז גמרא ביד וללמוד, ואפי' לפשוטי העם ועשה פרושים ושם אותם בצד הארון, פרושים נאים בשפה ברורה ונעימה דבר דבור על אופניו. ועם הסברים וציורים להבין ולהשכיל, כדי שמי שרוצה לקרבה אל מלאכת ה' ללמוד יכל לעשות זאת.

ועיני ראו ולא זר שבשיעורי תורה בגמרא הרבה באים עם גמרות בידם ואלה שבאים עם "פירוש הרב שטיינזלץ לתלמוד הבבלי" הם מוכנים ומבינים טוב יותר. כי כבר יש להם הקדמה מפרושיו ומבאוריו. ואמינא לפועלו יישר ומן שמיא זכו ליה ללמד דעת את העם.

ויהי רצון שחפץ בידו יצלח, וכל אשר יפנה ישכיל ויצליח, ויזכה להגדיל תורה ולהאדירה, ויוסיף לנו עוד גמרות מבוארות כהנה וכהנה עד לסיומו, "וישראל עושה חיל".

ובזכות לימוד תורה ואני זאת בריתי וכו', ובא לציון גואל, בב"א.

מרדכי אליהו
ראשון לציון הרב הראשי לישראל לשעבר

The Talmud in *Eruvin* 21b states: Rava continued to interpret verses homiletically. What is the meaning of the verse: "And besides being wise, Kohelet also taught the people knowledge; and he weighed, and sought out, and set in order many proverbs" (Ecclesiastes 12:9)? He explains: He taught the people knowledge; he taught it with the accentuation marks in the Torah, and explained each matter by means of another matter similar to it. And he weighed [*izen*], and sought out, and set in order many proverbs; Ulla said that Rabbi Eliezer said: At first the Torah was like a basket without handles [*oznayim*] until Solomon came and made handles for it. And as Rashi there explains: And thus were Israel able to grasp the mitzvot and distance themselves from transgressions – just as a vessel with handles is easily held, etc.

Such things may be said of this beloved and eminent man, a great sage of Torah and of virtue. And far more than he has done with the Oral Torah, he does with the Written Torah – teaching the people knowledge. And beyond that, he also affixes handles to the Torah, i.e., to the Talmud, which is obscure and difficult for many. Only the intellectual elite, which are a precious few, and those who study in yeshiva, can today learn the Talmud and understand what it says – and even though we have Rashi, still not everyone uses him. But now the great scholar Rabbi Adin Steinsaltz שליט״א has come and affixed handles to the Torah, allowing the Talmud to be held and studied, even by simple men. And he has composed a commentary alongside the text, a fine commentary in clear, comprehensible language, "a word fitly spoken" with explanations and illustrations, so that all those who seek to study the work of God can do so.

Rabbi Mordechai Eliyahu
Former Chief Rabbi of Israel, 7 Tishrei 5754

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Message from Rabbi Adin Even-Israel Steinsaltz

The Talmud is the cornerstone of Jewish culture. True, our culture originated in the Bible and has branched out in directions besides the Talmud, yet the latter's influence on Jewish culture is fundamental. Perhaps because it was composed not by a single individual, but rather by hundreds and thousands of Sages in *batei midrash* in an ongoing, millennium-long process, the Talmud expresses the deepest themes and values not only of the Jewish people, but also of the Jewish spirit. As the basic study text for young and old, laymen and learned, the Talmud may be said to embody the historical trajectory of the Jewish soul. It is, therefore, best studied interactively, its subject matter coming together with the student's questions, perplexities, and innovations to form a single intricate weave. In the entire scope of Jewish culture, there is not one area that does not draw from or converse with the Talmud. The study of Talmud is thus the gate through which a Jew enters his life's path.

The *Koren Talmud Bavli* seeks to render the Talmud accessible to the millions of Jews whose mother tongue is English, allowing them to study it, approach it, and perhaps even become one with it.

This project has been carried out and assisted by several people, all of whom have worked tirelessly to turn this vision into an actual set of books to be studied. It is a joyful duty to thank the many partners in this enterprise for their various contributions. Thanks to Koren Publishers Jerusalem, both for the publication of this set and for the design of its very complex graphic layout. Thanks of a different sort are owed to the Steinsaltz Center and its director, Rabbi Menachem Even-Israel, for their determination and persistence in setting this goal and reaching it. Many thanks to the translators, editors, and proofreaders for their hard and meticulous work. Thanks to the individuals and organizations that supported this project, chief among them the Matanel Foundation and the Noé family of London. And thanks in advance to all those who will invest their time, hearts, and minds in studying these volumes – to learn, to teach, and to practice.

Rabbi Adin Even-Israel Steinsaltz
Jerusalem 5773

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Acknowledgments

We are indeed privileged to dedicate this edition of the *Koren Talmud Bavli* in honor of the generous support of Leo and Sue Noé of London.

The name Noé is synonymous with philanthropy. The family's charitable endeavors span a vast range of educational projects, welfare institutions, and outreach organizations across the globe, with a particular emphasis on the "nurturing of each individual." Among so many other charitable activities, the Noés have been deeply involved with Kisharon, which provides the British Jewish community with vital support for hundreds of people with learning difficulties and their families; they provide steadfast support of SEED, which stands at the forefront of adult Jewish education in the UK, and Kemach, an organization in Israel that "helps Haredi students sustain themselves in dignity," providing both professional and vocational training for the Haredi community in Israel.

The Noés are not simply donors to institutions. They are partners. Donors think of a sum. Partners think of a cause, becoming rigorously and keenly involved, and giving of their time and energy. We are honored that they have chosen to partner with our two organizations, the Steinsaltz Center and Koren Publishers Jerusalem, enabling us to further and deepen learning among all Jews.

Leo and Sue are the proud parents and grandparents of five children and their families. The next generation has been taught by example that with life's gifts come the responsibilities to be active within and contribute to society – both Jewish and non-Jewish – as is consistent with the noblest of Jewish values.

Rabbi Adin Even-Israel Steinsaltz
Matthew Miller, Publisher
Jerusalem 5773

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Introduction by the Editor-in-Chief

The vastly expanded audience of Talmud study in our generation is a phenomenon of historical proportions. The reasons for this phenomenon are many, and include the availability of a wide array of translations, commentaries, and study aids.

One outstanding example of such a work is the translation of the Talmud into modern Hebrew by Rabbi Adin Even-Israel Steinsaltz. The product of a lifetime of intense intellectual labor, this translation stands out in its uniqueness.

But what can the interested student do if he or she does not comprehend the Hebrew, even in its modern form? Where is the English speaker who wishes to access this instructive material to turn? The *Koren Talmud Bavli* that you hold in your hand is designed to be the answer to those questions.

This work is the joint effort of Rabbi Steinsaltz himself, his closest advisory staff, and Koren Publishers Jerusalem. It is my privilege to have been designated editor-in-chief of this important project, and to have worked in close collaboration with a team of translators and copy editors, artists and graphic designers, scholars and editors.

Together we are presenting to the English-speaking world a translation that possesses all the merits of the original Hebrew work by Rabbi Steinsaltz and provides assistance for the beginner of any age who seeks to obtain the necessary skills to become an adept talmudist.

To date we have completed the orders of *Zera'im* and *Moed*. Our work has been enthusiastically received by a broad and diverse audience. Particularly gratifying is the fact that many have chosen to use our text as the basis for the group study of Talmud. We appreciate the comments and suggestions from our readers the world over and are committed to improving future editions of the *Koren Talmud Bavli* on the basis of that input. Indeed, a second edition of our first volume, *Berakhot*, has already been released, incorporating much of the advice brought to our attention by our readers. We encourage you to continue to advise us of your experience with our work.

Nazir is the ninteenth volume of this project. It includes the entire original text, in the traditional configuration and pagination of the famed Vilna edition of the Talmud. This enables the student to follow the core text with the commentaries of Rashi, *Tosafot*, and the customary marginalia. It also

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provides a clear English translation in contemporary idiom, faithfully based upon the modern Hebrew edition.

At least equal to the linguistic virtues of this edition are the qualities of its graphic design. Rather than intimidate students by confronting them with a page-size block of text, we have divided the page into smaller thematic units. Thus, readers can focus their attention and absorb each discrete discussion before proceeding to the next unit. The design of each page allows for sufficient white space to ease the visual task of reading. The illustrations, one of the most innovative features of the Hebrew edition, have been substantially enhanced and reproduced in color.

The end result is a literary and artistic masterpiece. This has been achieved through the dedicated work of a large team of translators, headed by Rabbi Joshua Schreier, and through the unparalleled creative efforts of Raphaël Freeman and the gifted staff at Koren.

The group of individuals who surround Rabbi Steinsaltz and support his work deserve our thanks as well. I have come to appreciate their energy, initiative, and persistence. And I thank the indefatigable Rabbi Menachem Even-Israel, whom I cannot praise highly enough. The quality of his guidance and good counsel is surpassed only by his commitment to the dissemination and perpetuation of his father's precious teachings.

Finally, in humility, awe, and great respect, I acknowledge Rabbi Adin Even-Israel Steinsaltz. I thank him for the inspirational opportunity he has granted me to work with one of the outstanding sages of our time.

Rabbi Tzvi Hersh Weinreb
Jerusalem 5775

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Preface by the Executive Editor

Toward the beginning of tractate *Pesaḥim* (3a), the Gemara questions the Mishna's use of the term *or* rather than the standard term *leil* when referring to the evening of the fourteenth of Nisan. The Gemara introduces a discussion of the value of euphemism and refraining from the use of crude language. It concludes that despite the importance of euphemism, if the euphemism comes at the expense of clarity and requires a less succinct formulation, it is preferable to speak concisely. Only when the choice is between equally concise phrases is the euphemism preferred.

In his *peirush,* Rabbi Steinsaltz's language is both concise and aesthetic. While explaining often difficult passages, he avoids the temptation to over-explain, inviting the reader to study the Talmud with him rather than doing all the thinking in the reader's place. We have attempted to follow his path in translating and editing the *Koren Talmud Bavli*.

My involvement in the production of the *Koren Talmud Bavli* has been both a privilege and a pleasure. The Steinsaltz Center, headed by Rabbi Menachem Even-Israel and devoted to the dissemination of the wide-ranging, monumental works of Rabbi Adin Even-Israel Steinsaltz, constitutes the Steinsaltz side of this partnership; Koren Publishers Jerusalem, headed by Matthew Miller, with the day-to-day management of the project in the able hands of Dena Landowne Bailey, constitutes the publishing side of this partnership. The combination of the inspiration, which is the hallmark of the Steinsaltz Center, with the creativity and professionalism for which Koren is renowned and which I experience on a daily basis, has lent the *Koren Talmud Bavli* its outstanding quality in terms of both content and form.

I would like to express my appreciation for Rabbi Dr. Tzvi Hersh Weinreb, the editor-in-chief, whose insight and guidance have been invaluable. The contribution of my friend and colleague, Rabbi Dr. Shalom Z. Berger, the senior content editor, cannot be overstated; his title does not begin to convey the excellent direction he has provided in all aspects of this project. In addition, I would like to thank Rabbi Jason Rappoport, managing editor; Rabbi Joshua Amaru, coordinating editor; and Rabbi Avishai Magence, content curator, whose tireless devotion to this project has been and continues to be crucial to the continued success of this project. The erudite and articulate men and women who serve as translators, editors, and copy editors have ensured that this project adheres to the highest standards.

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There are several others whose contributions to this project cannot be overlooked. On the Steinsaltz side: Meir HaNegbi, Yacov Elbert, and Tsipora Ifrah. On the Koren side: Rabbi David Fuchs, Rabbi Hanan Benayahu, Efrat Gross, Rachel Hanstater Meghnagi, Rabbi Eliahu Misgav, and Rabbi Yinon Chen. Their assistance in all matters, large and small, is appreciated.

At the risk of being repetitious, I would like to thank Rabbi Dr. Berger for introducing me to the world of Steinsaltz. Finally, I would like to thank Rabbi Menachem Even-Israel, with whom it continues to be a pleasure to move forward in this great enterprise.

Rabbi Joshua Schreier
Jerusalem 5773

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Introduction by the Publisher

The Talmud has sustained and inspired Jews for thousands of years. Throughout Jewish history, an elite cadre of scholars has absorbed its learning and passed it on to succeeding generations. The Talmud has been the fundamental text of our people.

Beginning in the 1960s, Rabbi Adin Even-Israel Steinsaltz שליט"א created a revolution in the history of Talmud study. His translation of the Talmud, first into modern Hebrew and then into other languages, as well the practical learning aids he added to the text, have enabled millions of people around the world to access and master the complexity and context of the world of Talmud.

It is thus a privilege to present the *Koren Talmud Bavli*, an English translation of the talmudic text with the brilliant elucidation of Rabbi Steinsaltz. The depth and breadth of his knowledge are unique in our time. His rootedness in the tradition and his reach into the world beyond it are inspirational.

Working with Rabbi Steinsaltz on this remarkable project has been not only an honor, but a great pleasure. Never shy to express an opinion, with wisdom and humor, Rabbi Steinsaltz sparkles in conversation, demonstrating his knowledge (both sacred and worldly), sharing his wide-ranging interests, and, above all, radiating his passion. I am grateful for the unique opportunity to work closely with him, and I wish him many more years of writing and teaching.

Our intentions in publishing this new edition of the Talmud are threefold. First, we seek to fully clarify the talmudic page to the reader – textually, intellectually, and graphically. Second, we seek to utilize today's most sophisticated technologies, both in print and electronic formats, to provide the reader with a comprehensive set of study tools. And third, we seek to help readers advance in their process of Talmud study.

To achieve these goals, the *Koren Talmud Bavli* is unique in a number of ways:

- The classic *tzurat hadaf* of Vilna, used by scholars since the 1800s, has been reset for greater clarity, and opens from the Hebrew "front" of the book. Full *nikkud* has been added to both the talmudic text and Rashi's commentary, allowing for a more fluent reading with the correct pronunciation; the commentaries of *Tosafot* have been punctuated. Upon the advice of many English-speaking teachers of Talmud, we have separated these core pages from the translation, thereby enabling the advanced student to approach the text without the distraction of the translation. This also reduces the number of volumes in the set. At the bottom of each *daf,* there is a reference to the corresponding English pages. In addition, the Vilna edition was read against other manuscripts and older print editions, so that texts which had been removed by non-Jewish censors have been restored to their rightful place.

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- The English translation, which starts on the English "front" of the book, reproduces the *menukad* Talmud text alongside the English translation (in bold) and commentary and explanation (in a lighter font). The Hebrew and Aramaic text is presented in logical paragraphs. This allows for a fluent reading of the text for the non-Hebrew or non-Aramaic reader. It also allows for the Hebrew reader to refer easily to the text alongside. Where the original text features dialogue or poetry, the English text is laid out in a manner appropriate to the genre. Each page refers to the relevant *daf*.
- Critical contextual tools surround the text and translation: personality notes, providing short biographies of the Sages; language notes, explaining foreign terms borrowed from Greek, Latin, Persian, or Arabic; and background notes, giving information essential to the understanding of the text, including history, geography, botany, archaeology, zoology, astronomy, and aspects of daily life in the talmudic era.
- Halakhic summaries provide references to the authoritative legal decisions made over the centuries by the rabbis. They explain the reasons behind each halakhic decision as well as the ruling's close connection to the Talmud and its various interpreters.
- Photographs, drawings, and other illustrations have been added throughout the text – in full color in the Standard and Electronic editions, and in black and white in the Daf Yomi edition – to visually elucidate the text.

This is not an exhaustive list of features of this edition; it merely presents an overview for the English-speaking reader who may not be familiar with the "total approach" to Talmud pioneered by Rabbi Steinsaltz.

Several professionals have helped bring this vast collaborative project to fruition. My many colleagues are noted on the Acknowledgments page, and the leadership of this project has been exceptional.

RABBI MENACHEM EVEN-ISRAEL, DIRECTOR OF THE STEINSALTZ CENTER, was the driving force behind this enterprise. With enthusiasm and energy, he formed the happy alliance with Koren and established close relationships among all involved in the work.

RABBI DR. TZVI HERSH WEINREB שליט"א, EDITOR-IN-CHIEF, brought to this project his profound knowledge of Torah, intellectual literacy of Talmud, and erudition of Western literature. It is to him that the text owes its very high standard, both in form and content, and the logical manner in which the beauty of the Talmud is presented.

RABBI JOSHUA SCHREIER, EXECUTIVE EDITOR, assembled an outstanding group of scholars, translators, editors, and copy editors, whose standards and discipline enabled this project to proceed in a timely and highly professional manner.

RABBI MEIR HANEGBI, EDITOR OF THE HEBREW EDITION OF THE STEINSALTZ TALMUD, lent his invaluable assistance throughout the work process, supervising the reproduction of the Vilna pages.

RAPHAËL FREEMAN created this Talmud's unique typographic design which, true to the Koren approach, is both elegant and user friendly.

It has been an enriching experience for all of us at Koren Publishers Jerusalem to work with the Steinsaltz Center to develop and produce the *Koren Talmud Bavli*. We pray that this publication will be a source of great learning and, ultimately, greater *avodat Hashem* for all Jews.

Matthew Miller, Publisher
Koren Publishers Jerusalem
Jerusalem 5773

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Introduction to **Nazir**

Tractate *Nazir* is located in the order of *Nashim*, usually after tractate *Nedarim* and before tractate *Sota*.[1] The content of the tractate is not directly related to the order of *Nashim*, and the Gemara (2a) discusses this problem. However, since the passage in the Torah that speaks of the nazirite (Numbers, chapter 6) is juxtaposed to the passage in the Torah that speaks of a woman suspected by her husband of having been unfaithful [*sota*] (Numbers, chapter 5), tractate *Nazir* was similarly placed next to tractate *Sota* in the Mishna. The entire tractate deals with the *halakhot* of a nazirite and with some of the *halakhot* of vows, offerings, and ritual purity and impurity.

A nazirite vow is a special form of a vow that one accepts upon himself. It obligates him in the rules and regulations established for a nazirite in the Torah. As with other types of vows, one might take a nazirite vow for a variety of reasons, e.g., to be absolved of a sin or to express gratitude to God for His kindness. Alternatively, one might take a nazirite vow in order to merit divine favor as one makes a request of God, or one might take the vow out of anger or spite. At its best, when accepted with pure intentions, naziriteship is considered a way to achieve holiness, as the Torah states: "All the days of his naziriteship he is holy to the Lord" (Numbers 6:8).

The term nazirite [*nazir*] refers to one who abstains [*mitnazer*] from certain actions. It also alludes to the uncut hair of the nazirite, which is comparable to a crown [*nezer*] (see Numbers 6:7). Although the Torah never establishes a general prohibition against becoming ritually impure or drinking wine, abstaining from these actions is considered a prerequisite for holiness, as demonstrated by the fact that it is prohibited for one to enter the Temple courtyard after drinking wine or while in a state of ritual impurity. Additionally, because of their inherent sanctity, priests are prohibited from becoming impure through contact with a corpse. A nazirite, who voluntarily accepts these prohibitions, is considered to have temporarily elevated himself to a status similar to that of a priest.[2]

A nazirite is called "a nazirite of God" (Judges 13:5), and the verse praises the Jewish people by saying (Amos 2:11): "And I raised up of your sons for prophets, and of your young men for nazirites" (see Rambam *Sefer Hafla'a, Hilkhot Nezirut* 10:14). The Rabbis differ with regard to their appraisal of naziriteship. Though according to all it is considered praiseworthy to abstain from contracting impurity and from inebriation, according to some it is considered a transgression to entirely prohibit oneself from becoming impure or from drinking wine. Additionally, sometimes people became nazirites due to ulterior motives or out of spite, and at times nazirites would regret ever having taken a nazirite vow. Under these circumstances, the observance of naziriteship is not considered praiseworthy.

The main *halakhot* of a nazirite are stated explicitly in the Torah. A nazirite is prohibited from cutting his hair, eating or drinking anything originating from a grapevine,

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and becoming ritually impure through contact with a corpse. When he completes the term of his naziriteship, he brings a sheep as a burnt-offering, a ewe as a sin-offering, and a ram as a peace-offering, along with unleavened loaves and unleavened wafers. Afterward, he is released from the restrictions of naziriteship. If a nazirite became impure through contact with a corpse during his term of naziriteship, then after completing the standard purification process of sprinkling on the third and seventh days and immersing in a ritual bath, he shaves his hair and on the eighth day brings two doves or pigeons, one for a sin-offering and the other for a burnt-offering, and a sheep in its first year as a guilt-offering. He then must begin his term of naziriteship anew.

As with most of the *halakhot* recorded in the Torah, even the *halakhot* that are explicitly delineated in the Torah with regard to naziriteship do not provide guidance for every scenario that could arise when one attempts to implement these *halakhot* practically. This tractate attempts to explain and clarify the *halakhot* of naziriteship as they apply in practice.

One of the main topics of this tractate is the clarification of the ways in which the *halakhot* of naziriteship conform to or deviate from the general *halakhot* of vows. As explained earlier, acceptance of naziriteship is a form of a vow. There is no obligation to become a nazirite, and naziriteship takes effect only when one willingly takes a nazirite vow. However, unlike a standard vow, the guidelines that pertain to one who takes this vow are not up to the discretion of the individual. The rules that apply to a nazirite have already been determined by the Torah. Therefore, one who takes a nazirite vow is bound by all of the *halakhot* incumbent upon a nazirite, even if he states that he is accepting only some of them. However, the duration of the period for which he becomes a nazirite is up to his discretion, provided that it is no less than thirty days.

Tractate *Nazir* also addresses the language that effects a nazirite vow. When one accepts naziriteship using clear and precise language, the *halakha* is clear. However, sometimes the wording that one uses is so ambiguous and confusing that it must be clarified whether the statement is considered a nazirite vow and how long the term of naziriteship will last. Sometimes, one takes a vow using substitutes for the language of nazirite vows, e.g., by saying the word *nazik* instead of *nazir,* or using intimations of nazirite vows. In these cases, it must be clarified which expressions obligate the speaker in a nazirite vow. Similarly, the implication of one's statement must be determined in cases where it is not clear whether the speaker accepted upon himself a nazirite vow or a different vow, or where he accepted upon himself a partial term of naziriteship. Sometimes, one accepts a nazirite vow conditionally, because of a mistake, as a result of outside intervention, or to demonstrate that he is telling the truth in a different context. In all of these cases, it is necessary to determine whether one has become a nazirite.

Although the Torah explicitly states the restrictions that apply to a nazirite, there are *halakhot* pertaining to naziriteship that were transmitted via oral tradition. One of these traditions is that an unspecified term of naziriteship lasts for thirty days, which is the minimum term of naziriteship. Another is that one can become a permanent nazirite, in which case he is a nazirite forever but may trim his hair once a year. Additionally, one can become a nazirite like the judge Samson, whereby one is a nazirite for his entire life but with unique *halakhot*. It is permitted for him to become impure through contact with a corpse but prohibited for him ever to cut his hair or drink wine.

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These *halakhot* lead to questions concerning one who took a nazirite vow obligating himself in partial periods of naziriteship, e.g., half of a term of naziriteship or naziriteship for one hour. They also lead to questions pertaining to a situation where one took several nazirite vows simultaneously. Additionally, the Gemara must clarify the practical differences between a permanent nazirite; one who takes upon himself a term of naziriteship that will, in practice, last for the duration of his lifetime; and one who takes a vow whereby he is obligated in continuous, consecutive terms of naziriteship.

Another unique *halakha* of nazirite vows relates to minors. The *halakha* is that a father, and only a father, can obligate his son in a vow of naziriteship. Additionally, a minor who is close to the age of majority can take a nazirite vow and become a nazirite.

The prohibitions specified in the Torah as pertaining to a nazirite require elaboration and explanation. The Torah specifies that "all the days of his vow of naziriteship no razor shall come upon his head" (Numbers 6:5). However, it must be clarified whether this prohibition applies only to one who shaves off all his hair with a razor, as with the prohibition against removing one's beard, or if it applies to any removal of hair. Similarly, it is necessary to clarify how much hair one must remove in order to be liable to receive lashes. The tractate clarifies the circumstances in which one is liable to receive lashes, and whether it is only the nazirite who is liable or also one who cuts the nazirite's hair. Additionally, a variety of circumstances could result in the nazirite's hair being cut. This could occur because the nazirite intentionally or accidentally had his hair cut or because he was obligated for a separate reason to shave his hair. The question then becomes whether a nazirite can complete his term of naziriteship with his hair shaven.

It is prohibited for a nazirite to eat anything that is "made of the grapevine" (Numbers 6:4), although the prohibition primarily applies to drinking wine. This is supported by the language of the Torah: "He shall abstain from wine and strong drink" (Numbers 6:3), and: "And after that the nazirite may drink wine" (Numbers 6:20). It is necessary to clarify whether this prohibition applies to all or only parts of the grape and what quantity the nazirite has to ingest of each part or combination of different parts of the grape to violate this prohibition. Another question that arises is with regard to the status of a mixture of grape products and other foods.

It is prohibited for a nazirite to contract ritual impurity from a corpse. If he does become impure, whether intentionally or unintentionally, the days of his term of naziriteship that he already observed are void and he must begin his term anew. Ritual impurity is imparted not only through touching a corpse, but also from carrying a corpse without direct contact or by standing under the same structure as a corpse. Even parts of an incomplete corpse, such as limbs, bones, blood, and skin, impart ritual impurity. An individual also becomes impure by touching certain items after they have made contact with a corpse. The Gemara clarifies when a nazirite becomes impure in a manner that negates his term of naziriteship and when his term is not negated despite his impurity. Additionally, the Gemara discusses whether there are unique circumstances where even a nazirite is obligated to become ritually impure from a corpse.

It is explained in the Torah that if a nazirite becomes ritually impure, the days of naziriteship that he has already observed are negated. The Gemara discusses whether or not this *halakha* is equally true throughout the entire term of naziriteship. The Gemara also discusses whether this is unique to the prohibition against

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becoming impure from a corpse, or whether it also applies to one who violates the other prohibitions of naziriteship. There is also a discussion concerning one who becomes impure after his term of naziriteship is completed but before he has brought the requisite offerings, which release him from nazirite restrictions. The Gemara also raises a question as to whether one who is ritually impure can take a nazirite vow and when such a vow would take effect. The Gemara also discusses the *halakha* in situations where a nazirite violates one of the prohibitions of naziriteship multiple times.

For a variety of reasons, a situation could arise where a nazirite never completed his term of naziriteship. This could occur if a husband nullified the nazirite vow of his wife, or a nazirite vow was dissolved by a Sage, or if the nazirite died before completing his term of naziriteship. In these situations, if the nazirite had already designated money or animals for his offerings, many questions arise with regard to the status of these items. The many *halakhot* in these cases are dependent on the manner in which the nazirite set aside his offering, whether he set aside only money or the animals themselves, and if he set aside animals, whether he specified which offering each animal was intended for or if he set them aside without specification. Additionally, the Gemara discusses whether a nazirite may use animals for his offerings after they were designated by another nazirite for his offerings.

This tractate addresses the principle *halakhot* of the offerings brought by both a nazirite who became impure and a nazirite who completed his term of naziriteship. However, many of the details relevant to the offerings are discussed in tractates *Zevaḥim* and *Menaḥot*, which deal more generally with the *halakhot* of offerings.

It should be noted that the commentary printed on the inside column of the Vilna Talmud for tractate *Nazir* is not the commentary of Rashi but a commentary of unknown authorship, which is referred to here as the Commentary on *Nazir*.

Tractate *Nazir* contains nine chapters. Some of the chapters deal with one clearly defined topic. Others deal with several issues, some of which are spread out over several chapters.

Chapter One deals with the language of nazirite vows, including substitutes for nazirite vows, intimations of nazirite vows, nazirite vows for unspecified lengths of time, and vows that specify short or extensive periods of naziriteship. It also addresses the *halakhot* of a permanent nazirite and a nazirite like Samson. The chapter also addresses manners in which one can take a vow by extending the forbidden status of a forbidden item.

Chapter Two discusses the level of intent that is required to accept naziriteship upon oneself, cases where it is uncertain if the vow is considered a nazirite vow, and situations where different terms of naziriteship overlap.

Chapter Three deals primarily with how impurity negates naziriteship. It discusses when ritual impurity obliterates the entire period observed by the nazirite, when it prevents naziriteship from taking effect, and the negation of a term of naziriteship because of the impurity decreed upon lands outside of Eretz Yisrael.

Chapter Four discusses taking a nazirite vow by extending the prohibition of particular items that are already forbidden. It also addresses the dissolution of a nazirite vow and the question of what is done with animals that a nazirite designated as offerings but that were never sacrificed. The chapter also discusses the *halakha* that a father can obligate his son in a vow of naziriteship and the *halakha* that a son inherits the nazirite offerings of his father.

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Chapter Five deals with statements that constitute nazirite vows or that declare items consecrated, when the statements were made mistakenly, conditionally, or due to uncertainty.

Chapter Six compares and contrasts the different prohibitions incumbent upon a nazirite, primarily the prohibitions against drinking wine and becoming impure from a corpse. It also compares and contrasts the *halakhot* of the process whereby a nazirite shaves and brings offerings at the completion of his term of naziriteship to those of the process by which he shaves and brings offerings if he becomes impure from a corpse.

Chapter Seven deals with the *halakhot* of ritual impurity imparted by a corpse, as pertains to a nazirite.

Chapter Eight deals with individuals whose status as a nazirite is uncertain and discusses how they fulfill their vows.

Chapter Nine discusses who can become a nazirite and uncertainties that exist with regard to different types of ritual impurity.

NOTES

1. The Meiri places it after tractate *Sota*, in accordance with the order of the passages in the Torah.
2. See the mishna on 47a, which compares a nazirite to a priest.

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Speak to the children of Israel and say to them: When either a man or a woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord.

(Numbers 6:2)

Introduction to **Perek I**

In order for a nazirite vow to take effect, one must "clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord." This chapter identifies problems that arise with terminology used in making such declarations. The many details in this chapter can be divided into two categories: First, issues related to clarifying the terms one might use to take a nazirite vow; and second, the meaning of different expressions used to describe the duration of the term of naziriteship or to accept multiple terms of naziriteship at once.

With regard to the first issue, it is clear that one becomes a nazirite if he says: I am hereby a nazirite. The Gemara considers other, less direct ways that one can express his desire to become a nazirite, both by using substitutes for nazirite vows and by using intimations of nazirite vows. The Gemara discusses situations where these less direct expressions are effective, as well as situations where the speaker's statement does not give clear expression to this intent, and he is not a nazirite even if his intention was to take a nazirite vow.

The second issue concerns setting the duration of the term of naziriteship. It is clear that when one explicitly states the duration or the number of terms of naziriteship that he accepts, he becomes a nazirite for the period that he articulated. The difficulty facing the Gemara is establishing the duration of a term of naziriteship in a situation where he used vague expressions of length or when it is unclear whether he accepted a single term or multiple terms of naziriteship.

The Sages established that the minimum time frame for a term of naziriteship is thirty days, and one who does not specify the length of his term of naziriteship becomes a nazirite for this amount of time. The Gemara investigates the source for this principle and questions whether the term of naziriteship ends at the end of the twenty-ninth day or only after the thirtieth day.

These issues and related questions comprise the subject matter of this chapter.

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מתני׳ כָּל כִּינּוּיֵי נְזִירוּת כִּנְזִירוּת.

MISHNA

One becomes a nazirite by taking a nazirite vow, in which he simply declares himself a nazirite, as detailed in the Torah (Numbers 6:1–21). Additionally, **all substitutes** for the language **of nazirite vows**[N] **are like nazirite vows**[H] and are binding. Furthermore, intimations of nazirite vows, i.e., incomplete statements that are understood from context to be meant as nazirite vows, are considered binding nazirite vows.

הָאוֹמֵר ״אֶהֱא״ – הֲרֵי זֶה נָזִיר, אוֹ ״אֶהֱא נָאֶה״ – נָזִיר. ״נָזִיק״, ״נָזִיחַ״, ״פָּזִיחַ״ – הֲרֵי זֶה נָזִיר. ״הֲרֵינִי כָּזֶה״, ״הֲרֵינִי מְסַלְסֵל״, ״הֲרֵינִי מְכַלְכֵּל״, ״הֲרֵי עָלַי לְשַׁלֵּחַ פֶּרַע״ – הֲרֵי זֶה נָזִיר.

Consequently, **one who says: I will be,**[H] without further clarification, **is a nazirite,** as this is his implied intention. **Or,** if he said: **I will be beautiful,** he is **a nazirite.** The substitutes for the language of nazirite vows are as follows: If one says: I will be a ***nazik,***[N] a ***nazi'aḥ,*** or a ***pazi'aḥ,*** **he is a nazirite.** If one says: **I am hereby like this,**[N] **I am hereby** a hair **curler,**[N] **I am hereby growing** my **hair;** or: **It is** incumbent **upon me to grow long hair, he is a nazirite.**

״הֲרֵי עָלַי צִיפּוֹרִים״. רַבִּי מֵאִיר אוֹמֵר: נָזִיר, וַחֲכָמִים אוֹמְרִים: אֵינוֹ נָזִיר.

If one says: An obligation **is hereby** incumbent **upon me** with regard to **birds,**[H] **Rabbi Meir says: He is a nazirite.** A nazirite brings two bird-offerings if he inadvertently becomes ritually impure from a corpse (Numbers 6:10), and it is understood that the individual used this indirect phrase to take a vow of naziriteship. **And the Sages say: He is not a nazirite.**

גמ׳ מִכְּדִי תַּנָּא בְּסֵדֶר נָשִׁים קָאֵי, מַאי טַעְמָא תָּנֵי נָזִיר?

GEMARA

The Gemara begins by clarifying why this tractate appears in the order of *Nashim* within the six orders of the Mishna. **Now, the *tanna* is engaged in** the study of **the order of *Nashim,*** which discusses laws concerning marriage and the resulting obligations as well as with forbidden sexual relations. **What** then **is the reason** that he **teaches** the laws of the **nazirite**[N] here?

HALAKHA

All substitutes for the language of nazirite vows are like nazirite vows – כָּל כִּינּוּיֵי נְזִירוּת כִּנְזִירוּת: All substitutes for the language of nazirite vows are like nazirite vows. For example, in a place where a nazirite is called a *nazik*, *nazi'aḥ*, or *pazi'aḥ*, one who uses one of those terms in a vow is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:8).

One who says, I will be, etc. – הָאוֹמֵר אֶהֱא וכו׳: If one says: I will be, or: I will be beautiful, he is a nazirite, subject to the conditions specified in the Gemara below (2b). The same applies to the other substitute terms mentioned in the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:6).

An obligation is hereby incumbent upon me with regard to birds – הֲרֵי עָלַי צִיפּוֹרִים: If one says: An obligation is hereby incumbent upon me with regard to birds, his statement is of no consequence, even if a nazirite is passing before him, and even if he intends to become a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:7).

NOTES

All substitutes for the language of nazirite vows – כָּל כִּינּוּיֵי נְזִירוּת: The biblical source for the *halakha* that substitutes for the language of vows are considered vows is discussed at the beginning of tractate *Nedarim* (3a). The Gemara there explains that the verses that discuss naziriteship use the same word repetitively: "When a man or a woman shall clearly utter a vow [*lindor neder*], the vow of a nazirite, to consecrate himself [*nazir lehazir*] to the Lord" (Numbers 6:2). The doubled term *nazir lehazir* teaches that one can become a nazirite not only through a direct vow, but also through substitute expressions. The doubled term *lindor neder* indicates that the same is true for other types of vows.

***Nazik*, etc. – נָזִיק וכו׳:** The Gemara in tractate *Nedarim* (10a) relates that Rabbi Yoḥanan and Reish Lakish debate the explanation of these terms. The same dispute is found in the Jerusalem Talmud, where the opinions attributed to each *amora* are reversed. According to one opinion, these substitute terms are words in other languages, while according to the other opinion they are special terms invented by the Sages to prevent situations from arising where one might utter the name of God in vain.

Tosafot raise difficulties with each opinion: If these are simply words in other languages, what new *halakha* is being taught? One can declare a vow in any language. They answer that if one takes a vow in a foreign language it is necessary for him to understand the words that he is saying, whereas if one vows by using one of the terms listed in the mishna, the naziriteship takes effect even if he does not know the meaning of the words, because they are similar in pronunciation to the term *nazir* used in the Torah. It is noted in the Commentary on *Nazir* that these words are also similar to the word *nazir* in their spelling. Even according to the opinion of *Tosafot* that the person taking the vow of naziriteship using these terms need not know precisely what they mean, he must intend to take a nazirite vow in order for it to take effect.

With regard to the second opinion, that these substitute terms are expressions invented by the Sages, *Tosafot* ask: If the Sages invented these terms, how does naziriteship take effect by Torah law when they are used? If the vow does not take effect by Torah law, how can the nazirite offer the sacrifices that mark the end of naziriteship? They explain that since the Sages established these particular terms, the person taking the vow intends to use these terms in order to accept naziriteship, and therefore the vow takes effect. The Jerusalem Talmud offers a similar resolution of this problem. Some commentaries claim that the dispute about the origin of these terms is only with regard to those used for ordinary vows. In the case of naziriteship, everyone agrees that these terms come from other languages and therefore take effect by Torah law (Rabbeinu Todros, cited in *Shita Mekubbetzet*).

Others argue that even according to the opinion that these terms come from other languages, they are not words in use in any specific language. Rather, gentiles, who did not know how to pronounce the word *nazir* properly, used these terms, and their corrupted versions in turn influenced some Jews (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:16, and see Radbaz there; Meiri).

I am hereby like this – הֲרֵינִי כָּזֶה: *Tosafot* cite the Gemara (3a), which explains that a nazirite was walking by when the person made this statement. They add that the novelty of this ruling is that a vow is not effective if one merely says: I am hereby. Rabbeinu Azriel, cited in *Shita Mekubbetzet*, argues that the statement: I am hereby, certainly indicates naziriteship. He adds that this is explicitly stated in the Jerusalem Talmud (*Nazir* 1:2). The novel aspect of this *halakha* is that the phrase: I am hereby like this, is also considered a vow of naziriteship (see Rashash).

I am hereby a hair curler, etc. – הֲרֵינִי מְסַלְסֵל וכו׳: *Tosafot* point out that these expressions are not intimations, which is why they are not listed when the mishna gives an example of an intimation. This is because they are not partial statements, but rather full statements that do not explicitly mention naziriteship, although the intention of the individual taking the vow is clear from context.

What is the reason he teaches the topic of nazirite – מַאי טַעְמָא תָּנֵי נָזִיר: Some commentaries had a version of the order of *Nashim* in which tractate *Sota* precedes tractate *Nazir*. They had a different version of the Gemara text here, which states: Since the *tanna* has finished with the *halakhot* of a heifer whose neck is broken, which appears at the end of tractate *Sota*, what is the reason that he now teaches tractate *Nazir* (Meiri)?

Tosafot reinforce the idea that *Nazir* does not belong in the order of *Nashim* by pointing out that since the nazirite must bring offerings, this tractate ostensibly belongs in the order of *Kodashim*. Rabbeinu Azriel, cited in *Shita Mekubbetzet*, adds to the Gemara's question by stating that tractate *Nazir* could have followed tractate *Karetot,* which deals with the prohibition barring priests serving in the Temple from drinking wine, a prohibition parallel to the prohibition against a nazirite's drinking wine (*Shita Mekubbetzet*).

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HALAKHA

Should abstain from wine – יַיִן עַצְמוֹ מִן הַיַּיִן: It is proper for one to distance himself from levity, drunkenness, and flirtatious behavior, since all of these lead to sin (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 22:21; *Shulḥan Arukh*, *Even HaEzer* 25:1).

LANGUAGE

Without attribution [*kedi*] – כְּדִי: There are various opinions as to the meaning of this word. Rashi in several places suggests two possibilities: One explanation is that it is the name or nickname of a Sage (Maharatz Ḥayyut). Alternatively, it is a word used to introduce an unattributed statement. This appears to be the explanation of the *ge'onim*, who maintain that the word is an abbreviation of *kedehi*, meaning: As it is, i.e., without attribution.

תַּנָּא אַקְּרָא קָאֵי: ״וְהָיָה אִם לֹא תִמְצָא חֵן בְּעֵינָיו כִּי מָצָא בָהּ עֶרְוַת דָּבָר״. וְהָכִי קָאָמַר: מִי גָּרַם לָהּ לְעַבֵּירָה – יַיִן, וְקָאָמַר: כָּל הָרוֹאֶה סוֹטָה בְּקִלְקוּלָהּ – יַיִן עַצְמוֹ מִן הַיַּיִן.

The Gemara answers: **The *tanna* is engaged in** the study of **the verse**[N] pertaining to divorce: **"Then it comes to pass, if she finds no favor in his eyes, because he has found some unseemly matter about her"** (Deuteronomy 24:1). **And this is what he is saying: What caused** the woman **to** commit the **transgression** of adultery, alluded to in the verse by the phrase "unseemly matter"? It was **wine. And** the *tanna* is **saying: Anyone who sees a *sota* in her disgrace should abstain from wine.**[H] Consequently, tractate *Nazir* is placed in the order of *Nashim*, immediately preceding tractate *Sota*, which is about a woman suspected by her husband of having been unfaithful, and tractate *Gittin*, which discusses divorce.

פָּתַח בְּכִינּוּיִין וּמְפָרֵשׁ יָדוֹת!

§ The Gemara asks a question with regard to the mishna's presentation of the different topics it addresses: The *tanna* **began with** the statement that all **substitutes** for the language of nazirite vows are considered nazirite vows, **but** then it **explains** the *halakha* of **intimations** of nazirite vows by providing examples of intimations rather than examples of substitutes for nazirite vows. Why didn't the Gemara provide examples of substitutes immediately after stating the *halakha* concerning substitutes?

אֲמַר רָבָא וְאִיתֵּימָא כְּדִי: חֲסוּרֵי מִיחְסְרָא, וְהָכִי קָתָנֵי: כָּל כִּינּוּיֵי נְזִירוּת כִּנְזִירוּת, וִידוֹת נְזִירוּת כִּנְזִירוּת; וְאֵלּוּ הֵן יָדוֹת: הָאוֹמֵר ״אֶהֱא״ – הֲרֵי זֶה נָזִיר.

Rava said, and some say this statement **without attribution** [***kedi***]:[L] The mishna **is incomplete**[N] **and is teaching the following: All substitutes** for the language **of nazirite vows are like nazirite vows. And** similarly, all **intimations of nazirite vows are like nazirite vows. And these are** examples of **intimations: One who says: I will be, is a nazirite.**

וְלִפְרוֹשׁ כִּינּוּיֵי בְּרֵישָׁא! תַּנָּא מֵהַהוּא דְּסָלֵיק הַהוּא מְפָרֵשׁ בְּרֵישָׁא. כִּדְתָנֵן: בַּמֶּה מַדְלִיקִין וּבַמֶּה אֵין מַדְלִיקִין, וּמְפָרֵשׁ ״אֵין מַדְלִיקִין״ בְּרֵישָׁא.

The Gemara asks: **But** nevertheless, **let** the *tanna* **explain** the cases of **substitutes first,** before providing examples of intimations, as the *halakha* of substitutes is mentioned before the *halakha* of intimations. The Gemara answers: The ***tanna*** employs the general style of the Mishna, which is that **the** subject **with which it concludes is the one that it explains first, as we learned** in a mishna (*Shabbat* 20b): **With what may one light** the Shabbat lamp **and with what may one not light** it? **And** the mishna **explains** the details of what **one may not light first,** before providing examples of fuel that may be used to light the Shabbat lamp.

בַּמֶּה טוֹמְנִין וּבַמֶּה אֵין טוֹמְנִין, וּמְפָרֵשׁ ״אֵין טוֹמְנִין״ בְּרֵישָׁא.

Similarly, another mishna (*Shabbat* 47b) states: **In what may one insulate** a pot of cooked food on Shabbat eve, **and in what may one not insulate** it? **And** the mishna **explains** the cases of material in which **one may not insulate** it **first,** before providing examples of materials in which one may insulate a pot of cooked food.

בַּמֶּה אִשָּׁה יוֹצְאָה וּבַמֶּה אֵינָהּ יוֹצְאָה, וּמְפָרֵשׁ ״לֹא תֵצֵא אִשָּׁה״ בְּרֵישָׁא.

A third example of this style is in the following mishna (*Shabbat* 57a): **With what** items may **a woman go out** into the public domain on Shabbat **and with what** items may **she not go out? And** the mishna **explains** the items with which **a woman may not go out first,** before providing examples of items with which she may go out.

NOTES

The *tanna* is engaged in the study of the verse – תַּנָּא אַקְּרָא קָאֵי: The Gemara in tractate *Sota* (2a) explains that tractate *Nedarim*, literally, vows, appears in the order of *Nashim* due to its connection to tractate *Ketubot*, which deals with the *halakhot* of one who imposes a vow on his wife. *Nazir* then follows *Nedarim*, as a central issue in *Nazir* is the nazirite vow. This explanation is ostensibly deemed insufficient by the Gemara here. However, Rashi is cited in *Sefer HaYashar* (*Ḥiddushim* 65) as explaining that the text of the entire discussion in the Gemara here has been corrupted and should be omitted, as there is already a satisfactory account of the order and placement of this tractate.

Another way to resolve the contradiction between the Gemara in tractate *Sota* and the Gemara here is to note that while the Gemara in tractate *Sota* explains the order of the tractates, it does not offer a suitable answer as to why tractate *Nazir* appears in the order of *Nashim* at all. It should have been placed in the order of *Kodashim*, and then tractate *Nedarim* would have been taught there as well, due to its connection with this tractate (Rabbeinu Tam; *Tosafot*; Rabbeinu Todros, cited in *Shita Mekubbetzet*).

Is incomplete, etc. – חֲסוּרֵי מִיחְסְרָא וכו': The early commentaries ask: Since the Gemara is inserting a ruling about intimations into the mishna, it should have simply inserted this ruling before the mishna's ruling about substitute expressions. This would have resolved the Gemara's upcoming question, which is why the mishna provides examples of intimations before it provides examples of substitute expressions, when the ruling about substitute expressions comes first in the mishna. They answer that there was a tradition that the tractate begins with the ruling about substitute terms, and therefore the Sages could not claim that the missing words actually comprised the opening line of the tractate (*Shita Mekubbetzet*).

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וְהָתְנַן: בַּמֶּה בְּהֵמָה יוֹצְאָה וּבַמֶּה אֵינָהּ יוֹצְאָה, וּמְפָרֵשׁ ״יוֹצֵא גָּמָל״ בְּרִישָׁא!

The Gemara challenges this explanation: **But didn't we learn** in a mishna (*Shabbat* 51b): **With what may an animal go out** into the public domain on Shabbat, **and with what may it not go out? And it explains** the items with which **a camel may go out first,** before providing examples of items with which it may not go out.

יֵשׁ נוֹחֲלִין וּמַנְחִילִין, נוֹחֲלִין וְלֹא מַנְחִילִין, מַנְחִילִין וְלֹא נוֹחֲלִין, לֹא נוֹחֲלִין וְלֹא מַנְחִילִין, וּמְפָרֵשׁ ״אֵלּוּ נוֹחֲלִין וּמַנְחִילִין״ בְּרִישָׁא!

Similarly, it is taught in another mishna (*Bava Batra* 108a): **There are** some relatives who **inherit and bequeath,** e.g., a father and son, who are heirs to each other; some who **inherit but do not bequeath;** some **bequeath but do not inherit;** and some **do not inherit and do not bequeath. And** the mishna **explains** the cases of **those** who both **inherit and bequeath first,** before providing examples of the other categories that were mentioned later in the opening clause of the mishna.

אֶלָּא, לְעוֹלָם תָּנֵי הָכִי וְתָנֵי הָכִי.

Rather, the mishna **actually teaches** in **this** manner at times, **and** it **teaches** in **that** manner at other times. There are instances where the *tanna* begins by elaborating on the first principle mentioned in the mishna, while on other occasions he first elaborates upon the last principle mentioned.

אֶלָּא, הָתָם דְּאִיסּוּרָא דְּנַפְשֵׁיהּ הוּא – מְפָרֵשׁ אִיסּוּרָא דְּנַפְשֵׁיהּ בְּרִישָׁא. גַּבֵּי בְּהֵמָה דְּאִיסּוּרָא אַיְידֵי בְּהֵמָה הוּא דְּאָתֵי – מְפָרֵשׁ הֵיתֵּירָא בְּרִישָׁא.

However, there is a rationale as to when the *tanna* employs each style. **There,** in the passages concerning the fuels one may use to light the Shabbat lamp, the materials one may use to insulate a pot on Shabbat eve, and the items with which a woman may go out on Shabbat to the public domain, **where it is** the individual's **own prohibition**[N] that is being discussed, the *tanna* **explains** the cases pertaining to the individual's **own prohibition first.** By contrast, **with regard to** the mishna that addresses **an animal** carrying into the public domain on Shabbat, **where the prohibition comes by means of** the **animal,** the *tanna* **explains** what is **permitted first.**

NOTES

There, where it is the individual's own prohibition, etc. – הָתָם דְּאִיסּוּרָא דְּנַפְשֵׁיהּ וכו׳: Some commentaries explain that a prohibition that one violates himself is more severe than a prohibition that one violates through the behavior of his animal (Commentary on *Nazir*; *Tosafot*). Alternatively, since one must let his animals rest on Shabbat, it should be prohibited to allow one's animal to go to the public domain carrying anything at all. Consequently, the *halakha* that one's animal may enter the public domain while carrying certain items is of greater novelty than the *halakha* that it is prohibited to allow one's animal to enter the public domain while carrying other items, and the *tanna* discusses first the case that contains the greater novelty (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

Perek **I**
Daf **2** Amud **b**

גַּבֵּי ״יֵשׁ נוֹחֲלִין״ נַמִּי, מְפָרֵשׁ עִיקַּר נַחֲלָה בְּרִישָׁא.

Similarly, **with regard to** the mishna that teaches that **there are** some relatives who **inherit** and bequeath, the *tanna* **also** had a reason for initially providing examples from the first category: He thereby **explains the principal** case of the Torah's *halakhot* of **inheritance**[N] **first.**

אֶלָּא [הָכָא], לִפְרוֹשׁ כִּינּוּיֵי בְּרִישָׁא! אֶלָּא, הַיְינוּ טַעַם: יָדוֹת, הוֹאִיל וְאָתְיָין לֵיהּ מִדְּרָשָׁא – חֲבִיבִין לֵיהּ.

The Gemara now returns to its question: **But here, let** the *tanna* **explain** the cases of **substitutes first.**[N] The Gemara explains: **Rather, this is** the **reason: Since intimations are derived from** the **exposition** of verses and are not explicitly mentioned in the Torah, they are **dear to** the *tanna* and he therefore mentions them first.

וְלִיפְתַּח בְּהוֹן בְּרִישָׁא! תַּנָּא כִּי מַתְחִיל – מַתְחִיל בְּעִיקַּר קָרְבָּן, וּלְעִנְיַן פֵּירוּשֵׁי – מְפָרֵשׁ יָדוֹת בְּרִישָׁא.

The Gemara asks: **But** if that is so, then **let him begin with them first** in the opening clause of the mishna as well. The Gemara answers: **When** the ***tanna* begins, he begins with the main offering** of the nazirite, i.e., with the *halakha* that has a basis in the Torah. **But with regard** to the **explanation** of these *halakhot*, **he explains** the cases of **intimations first,** as he favors that topic.

״הָאוֹמֵר אֶהֵא הֲרֵי זֶה נָזִיר״. דִּלְמָא ״אֶהֵא בְּתַעֲנִית״ קָאָמַר! אָמַר שְׁמוּאֵל: כְּגוֹן שֶׁהָיָה נָזִיר עוֹבֵר לְפָנָיו.

§ The mishna taught: **One who says: I will be, is a nazirite.** The Gemara asks: **Perhaps he is saying: I will be fasting,**[N] i.e., his intention is to take a vow that will obligate himself to fast rather than to be a nazirite. The Gemara answers that **Shmuel said:** The mishna is describing a case **where a nazirite was passing before him,**[H] so that it is clear that he is taking a nazirite vow.

NOTES

The principal case of the Torah's *halakhot* of inheritance – עִיקַּר נַחֲלָה: The principal paradigm of inheritance is the category of relatives who both inherit and bequeath, meaning that there is a two-way relationship whereby each individual is an heir to the other. An example of this is fathers and sons. Sons inherit from their father and, if they do not have sons of their own, bequeath to their father. This is also the first case of inheritance mentioned in the Torah's passage on the topic (see Numbers 27:8 and *Bava Batra* 108b).

But here let the *tanna* explain the cases of substitutes first – אֶלָּא הָכָא לִפְרוֹשׁ כִּינּוּיֵי בְּרִישָׁא: The Rosh explains the Gemara's question in the following manner: Just as the mishna in *Bava Batra* explains the principal case of inheritance first, the mishna here should first provide examples of substitute language of vows, as they are a more primary manner of expressing a vow than employing an intimation of a vow.

Perhaps he is saying I will be fasting – דִּלְמָא אֶהֵא בְּתַעֲנִית קָאָמַר: The Rosh elaborates on the Gemara's question: If the intention of the person who takes the vow is unclear, as he could be merely taking a vow to fast, then the mishna should not rule that he is a nazirite and compel him to bring the offerings at the conclusion of his naziriteship, as doing so is prohibited if he is not in fact a nazirite. Furthermore, there is a principle that one is lenient in cases of naziriteship, which the mishna seems to ignore.

Some commentaries wonder why one does not simply ask the individual whether he intended to accept upon himself naziriteship or a fast. They answer that this is a case where the individual says that he himself did not have a particular intention. His intention was to accept upon himself whatever vow the Sages determine applies to one who says: I will be (*Shita Mekubbetzet*).

HALAKHA

Where a nazirite was passing before him – כְּגוֹן שֶׁהָיָה נָזִיר עוֹבֵר לְפָנָיו: One who says: I will be, when a nazirite is passing before him becomes a nazirite, as stated by Shmuel (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:6).

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HALAKHA

Ambiguous intimations – יָדַיִם שֶׁאֵינָן מוֹכִיחוֹת: Intimations of vows are considered vows as long they give some indication as to the intention of the speaker. For example, if one person says to another: I vow about you that I will eat not of yours, the vow is effective. However, intimations that are entirely ambiguous are not considered intimations (*Shulḥan Arukh*, *Yoreh De'a* 206:1).

Where he said in his heart – דְּקָאָמַר בְּלִבּוֹ: In order to accept upon oneself naziriteship, it is not necessary to make an explicit statement that everyone would understand to be the acceptance of naziriteship. Rather, as long as one intends to become a nazirite and vocalizes that intent in some way, and in a context in which that is the likely interpretation, he becomes a nazirite even if his words in themselves do not indicate that he is taking a nazirite vow (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:5).

לֵימָא קָסָבַר שְׁמוּאֵל יָדַיִם שֶׁאֵינָן מוֹכִיחוֹת לָא הָווֹיִין יָדַיִם? אָמְרִי: בִּזְמַן שֶׁנָּזִיר עוֹבֵר לְפָנָיו – לֵיכָּא לְסִפּוּקָא בְּמִילְּתָא אַחֲרִינָא, אֲבָל וַדַּאי אֵין הַנָּזִיר עוֹבֵר לְפָנָיו – אָמְרִינַן: דִּלְמָא ״אֶהֱא בְּתַעֲנִית״ קָאָמַר.

The Gemara asks: **Shall we say** that **Shmuel holds** as a principle that **ambiguous intimations**[HN] **are not** considered **intimations,**[N] i.e., they are not considered vows? The Gemara rejects this suggestion: **Say** that **when**[N] **a nazirite is passing before him, there is no** reason **to doubt** his intention. There is no possibility that he is referring **to another matter,** and therefore his statement is definitely an intimation of naziriteship. **However,** it is **certainly** the case that when **a nazirite is not passing before him,** and he states: I will be, **we say** that **perhaps he is saying: I will be fasting.** It is only in the latter case, where one's intimation is so ambiguous that it offers no evidence whatsoever of his intentions, that Shmuel holds that one's statement is not considered a vow.

וְדִלְמָא לְפוֹטְרוֹ מִן קָרְבְּנוֹתָיו קָאָמַר. דְּקָאָמַר בְּלִבּוֹ.

The Gemara asks: **But** even if he made his statement when a nazirite was passing before him, **perhaps he was saying** that he intends to purchase the animals the nazirite will need for his offerings and thereby **exempt** the nazirite **from** paying for **his** own **offerings.** The Gemara answers: This is a case **where he said in his heart**[HN] that he accepts upon himself a nazirite vow.

NOTES

Ambiguous intimations – יָדַיִם שֶׁאֵינָן מוֹכִיחוֹת: Rabbeinu Todros and *Tosafot* (on *Nedarim* 5b) quote Rabbeinu Tam's opinion that there are two types of ambiguous intimations. One type is so ambiguous that it offers no evidence of the speaker's intention whatsoever. The other type is only mildly ambiguous, so that there is some indication as to the speaker's intention, although he did not clearly articulate that intention.

Are not considered intimations – לָא הָווֹיִין יָדַיִם: The suggestion that Shmuel holds that ambiguous intimations are not valid vows is based upon the fact that even when no nazirite is passing before him, it is more likely that the expression: I will be, is referring to naziriteship than to a fast. This is because the language indicates the immediate acceptance of a vow, which is possible in the case of naziriteship, but not usually in the case of a fast, as once the day has begun one cannot accept upon himself a fast for that day. The later commentaries also point out that one must accept a vow to fast in the afternoon of the day before one intends to fast. Therefore, it is more likely that his intention was to accept a nazirite vow (*Tosafot*; *Shita Mekubbetzet*).

Say that when, etc. – אָמְרִי בִּזְמַן וכו': There are two explanations of this answer. Some claim that the Gemara's conclusion is that, according to Shmuel, ambiguous intimations are considered intimations. However, if a nazirite is not passing by when the individual makes this statement, his statement is not even considered an ambiguous intimation, as it is not at all clear what he means to say (Commentary on *Nazir*; Rosh).

Conversely, according to the first explanation of *Tosafot* and Rabbeinu Tam, the Gemara's conclusion is that according to Shmuel, ambiguous intimations are not considered intimations. However, if a nazirite is passing by when the individual makes this statement, it is obvious that his statement is meant as a nazirite vow, and the vow takes effect. *Tosafot* point out that according to this interpretation, the Gemara's introduction of the question with the phrase: Shall we say, is imprecise, as this phrase usually indicates a suggestion that will be rejected, which is not the case here. However, the language in tractate *Nazir* in general is different from that of standard Gemara usage, and *Tosafot* provide an example from elsewhere in the tractate where this expression is used in a similar manner.

There is another opinion, based on a variant version of the text, in which the Gemara states: Shall we say that Shmuel holds that ambiguous intimations are considered intimations? According to this reading, the Gemara suggests that Shmuel holds that even if a nazirite is not passing before him at that precise moment, he becomes a nazirite. The Gemara concludes that there is a distinction between a person who says: I will be, at the exact moment when a nazirite is passing in front of him, and one who makes such a statement a little while later. In the latter case, the speaker does not become a nazirite, as ambiguous intimations are not considered intimations (Meiri).

Where he said in his heart – דְּקָאָמַר בְּלִבּוֹ: This is effective only when there was also a nazirite passing before him when he said: I will be. This is because the verse pertaining to naziriteship states that it applies when one "shall clearly utter a vow" (Numbers 6:2). Consequently, one must articulate his acceptance of naziriteship. The point in the Gemara is that if one says: I will be, while a nazirite is passing by and his intention is: I will be like that nazirite, his statement is considered an articulation of a nazirite vow (*Tosafot*). The Rid writes that, in general, intentions that are not articulated are inconsequential as far as the *halakha* is concerned, unless there is some action proving one's intention. Other commentaries disagree, claiming that in certain cases intention and thought alone are of consequence.

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אִי הָכִי מַאי לְמֵימְרָא? מַהוּ דְּתֵימָא: בָּעֵינַן פִּיו וְלִבּוֹ שָׁוִין, קָא מַשְׁמַע לָן.

The Gemara asks: **If that is so,** then **what** is the purpose **of stating** this *halakha*? Isn't it obvious that he becomes a nazirite? The Gemara answers: It is necessary to state this *halakha*, **lest you say** that **we require his mouth and heart** to be **identical.**[N] If that were the case, then if one did not clearly articulate his nazirite vow, he would not become a nazirite even if he intended to become one. Therefore, the mishna **teaches us**[N] that since his words can be interpreted as referring to a nazirite vow, and that was his intention, he becomes a nazirite.

§ ״אֶהֱא נָאֶה נָזִיר״. וְדִלְמָא אֶנָּאֶה לְפָנָיו בְּמִצְוֹת? כִּדְתַנְיָא: ״זֶה אֵלִי וְאַנְוֵהוּ״ – אֶנָּאֶה לְפָנָיו בְּמִצְוֹת. אֶעֱשֶׂה לְפָנָיו סוּכָּה נָאָה, לוּלָב נָאֶה, צִיצִית נָאֶה, אֶכְתּוֹב לְפָנָיו סֵפֶר תּוֹרָה נָאֶה, וְאֶכְרְכֶנּוּ בִּשְׁיָרַאִין נָאִים!

§ The mishna taught that if one says: **I will be beautiful** [*na'e*], he is **a nazirite.** The Gemara asks: **But perhaps** when he said: I will be beautiful, he meant: **I will be beautiful**[N] **before Him in mitzvot? As it is taught** in a *baraita*: **"This is my God and I will glorify Him** [***anvehu***]" (Exodus 15:2). *Anvehu* has the same root as the word *na'e*; therefore, the verse means: **I will be beautiful before Him in mitzvot.**[H] How is this done? **I will make before Him a beautiful *sukka*, a beautiful *lulav*, beautiful ritual fringes. I will write before Him a beautiful Torah scroll, and I will wrap it in beautiful silk cloths** [***shira'in***].[L]

אָמַר שְׁמוּאֵל: שָׁתָפוּס בִּשְׂעָרוֹ, וְאָמַר ״אֶנָּאֶה״.

The Gemara answers that **Shmuel said:** The mishna is referring to a case **where one is holding his hair**[HN] **and says: I will be beautiful.** This clearly indicates that he is referring to naziriteship.

נְזִירָא מִילְּתָא דַּעֲבֵירָה, וְאָמְרִינַן לֵיהּ ״נָאֶה״?

The Gemara asks: Since **naziriteship** is **a matter of transgression,**[N] can **we say about** a nazirite that he is **beautiful?**

HALAKHA

I will be beautiful before Him in mitzvot – אֶנָּאֶה לְפָנָיו בְּמִצְוֹת: One should perform all mitzvot in the most beautiful manner possible. One should write a Torah scroll with correct, fine letters; one's phylacteries should be elegant; and likewise with regard to all the mitzvot. Some authorities state that if one has a choice between two *etrogim*, he should take the more beautiful one if its cost does not exceed the other by more than one-third (Rambam *Sefer Ahava*, *Hilkhot Sefer Torah* 7:4; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 32:4, 656:1).

Where one is holding his hair – שָׁתָפוּס בִּשְׂעָרוֹ: One who said while holding his hair: I will be beautiful, or: I will hereby be a hair curler, or: I am hereby accepting upon myself to tend to my hair, or: It is hereby incumbent upon me to grow my hair, is a nazirite, provided his intent was to take a nazirite vow (Rambam Sefer *Hafla'a*, *Hilkhot Nezirut* 1:6).

LANGUAGE

Silk cloths [*shira'in*] – שִׁירָאִין: From the Greek σηρικόν, *sērikon*, meaning silk.

NOTES

His mouth and heart to be identical – פִּיו וְלִבּוֹ שָׁוִין: It is not enough for there to be no contradiction between one's statement and his thoughts. He must express what he has in mind, and if he fails to do so in a clear manner, the naziriteship does not take effect (Commentary on *Nazir*).

The mishna teaches us – קָא מַשְׁמַע לָן: The conclusion is that one does not need to fully articulate everything he is thinking. However, it is still necessary to give some verbal expression to one's thoughts. Consequently, one becomes a nazirite only if he said: I will be, while a nazirite was passing by (Commentary on *Nazir*).

Perhaps he meant I will be beautiful, etc. – וְדִלְמָא אֶנָּאֶה וכו': The Rosh explains that although he could have been referring to naziriteship, it is not clear that this was his intention, and therefore he cannot be considered a nazirite, because one is lenient in cases of doubt concerning naziriteship. The Jerusalem Talmud derives the *halakha* that one who says: I will be beautiful, is a nazirite by *a fortiori* inference, as one who merely says: I will be, is considered a nazirite. The mishna is presumably not referring to a *halakha* that can be derived independently. Therefore, it must be referring to a case where one says, while a nazirite is passing by: No one is as beautiful as this individual. The mishna's point is that this statement should be interpreted as praise and as an acceptance of naziriteship rather than as a critique.

Where one is holding his hair – שָׁתָפוּס בִּשְׂעָרוֹ: In this case, the fact that a nazirite was passing before him is insufficient, as he could be understood to be saying that he intends to beautify himself by performing other mitzvot, just as the nazirite beautifies himself by means of his mitzva of naziriteship (*Tosafot*). The Rosh and Rabbeinu Todros add that if one takes hold of his hair, not only is it unnecessary for a nazirite to be passing before him, but he does not even require a definitive intention of naziriteship, since his statement is self-evident. The Rambam, however, maintains that even in this case he must fully intend to become a nazirite.

Naziriteship is a matter of transgression – נְזִירָא מִילְּתָא דַּעֲבֵירָה: The Gemara's question is as follows: The Gemara in tractate *Nedarim* (9a) establishes that a nazirite vow is considered a vow of the wicked. Consequently, acceptance of naziriteship is a kind of transgression, and the Gemara asks how it can be initiated by the statement: I will be beautiful (Commentary to *Nazir*). Rabbeinu Todros, cited in *Shita Mekubbetzet*, offers a different interpretation of the question, according to which the Gemara is asking rhetorically: Is naziriteship undertaken in order to beautify oneself? *Tosafot* and other early commentaries cite an alternative version of the text. Instead of: Naziriteship is a matter of transgression [*da'aveira*], it reads: Is naziriteship a matter that is done [*de'avida*], such that a nazirite may be called beautiful? In other words, is it recommended to take on naziriteship *ab initio*?

Rabbeinu Azriel, cited in *Shita Mekubbetzet*, cites this alternative version of the text. However, he reads it not as a question but as the continuation of Shmuel's statement, so that it reads: The case is where one is holding his hair and says: I will be beautiful, as naziriteship is matter that one ought to do; it is a mitzva, and as such it is beautiful.

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אֵין, דַּאֲפִילּוּ לְרַבִּי אֶלְעָזָר הַקַּפָּר דְּאָמַר: נָזִיר חוֹטֵא, הָנֵי מִילֵּי גַּבֵּי נָזִיר טָמֵא, דְּאִיידֵי דְּבָעֵי מִיסְתַּר, דְּאָמַר רַחֲמָנָא ״וְהַיָּמִים הָרִאשֹׁנִים יִפֹּלוּ כִּי טָמֵא נִזְרוֹ״. הָתָם הוּא דְּלָמָא אָתֵי לְמִיעֲבַר עַל נְזִירוּתֵיהּ, אֲבָל נָזִיר טָהוֹר – לָאו חוֹטֵא קָרֵי בֵּיהּ.

The Gemara answers: **Yes, as even according to Rabbi Elazar HaKappar, who said** that **a nazirite** is **a sinner, that applies** only **with regard to a ritually impure nazirite.**[N] This is **because it is necessary** for him **to void** the days of his vow that have been observed and to begin his term anew, **as the Merciful One states** in the Torah: **“But the first days will be void, because his consecration was defiled”** (Numbers 6:12). **It is there** that Rabbi Elazar HaKappar called the nazirite a sinner, because **perhaps** he will **come to transgress**[N] **his naziriteship** now that he is a nazirite for a longer period than he originally intended. **However,** with regard to **a ritually pure nazirite,** Rabbi Elazar HaKappar **does not call him a sinner.**[H]

״הֲרֵינִי כָּזֶה״. נְהִי נַמִּי דְּתָפוּס בְּשִׂעָרוֹ, ״הֲרֵינִי כָּזֶה״ לָא אָמַר! אָמַר שְׁמוּאֵל: כְּגוֹן שֶׁהָיָה נָזִיר עוֹבֵר לְפָנָיו.

§ The mishna taught that one who says: **I am hereby like this,**[H] is a nazirite. The Gemara asks: **Though** this is **indeed** a case **where he is holding his hair** at the time, since **he did not say: I am hereby like this,**[N] how can this statement constitute an acceptance of naziriteship? **Shmuel said:** It is a case **where a nazirite was passing**[N] **before him** when he made his statement. His intention was to declare himself a nazirite like the individual passing before him, and his statement therefore constitutes a nazirite vow.

״הֲרֵינִי מְסַלְסֵל״. מְמַאי דְּהָדֵין סִלְסוּל שַׂעֲרָא? כְּדַאֲמָרָה לֵיהּ הַהִיא אַמְתָּא דְּבֵי רַבִּי לְהַהוּא גַּבְרָא: עַד מָתַי אַתָּה מְסַלְסֵל בְּשִׂעָרֶךָ?

The mishna rules that one who says: **I am hereby a hair curler** is a nazirite. The Gemara asks: **From where** is it known **that this** term is referring to the **curling** [***silsul***][L] of **hair** by allowing it to grow? The Gemara answers: **As that maidservant of the Rabbi** Yehuda HaNasi[P] **said to a certain man** who grew his hair long: **Until when will you curl** [***mesalsel***] **your hair?** This shows that *mesalsel* means to grow hair.

אֵימָא תּוֹרָה, דִּכְתִיב ״סַלְסְלֶהָ וּתְרוֹמְמֶךָּ״! אָמַר שְׁמוּאֵל: הָכָא נַמִּי שָׁתְפוּס בְּשִׂעָרוֹ.

The Gemara suggests: **Say** that the word *mesalsel* is referring to the study of **Torah, as it is written** with regard to Torah: **“Extol her** [***salseleha***] **and she will exalt you”** (Proverbs 4:8). The Gemara responds that **Shmuel said: Here too,** the case is **where he was holding his hair**[N] at the time of his pronouncement.

HALAKHA

However with regard to a ritually pure nazirite Rabbi Elazar HaKappar does not call him a sinner – אֲבָל נָזִיר טָהוֹר לָאו חוֹטֵא קָרֵי בֵּיהּ: One who undertakes a vow of naziriteship as an act of dedication to God is considered holy and praiseworthy (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 10:14).

I am hereby like this – הֲרֵינִי כָּזֶה: If one said: I am hereby like this, as a nazirite passed before him, he is a nazirite, as stated by Shmuel (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 2:4).

PERSONALITIES

That maidservant of the house of Rabbi Yehuda HaNasi – הַהִיא אַמְתָּא דְּבֵי רַבִּי: The maidservant of the house of Rabbi Yehuda HaNasi is mentioned here and in several other contexts. Because she used the purest, most ancient form of the Hebrew language, including words that the Sages themselves were no longer familiar with, it seems that she was no ordinary servant and was possibly even raised among the family of the *Nasi*. Her conduct and the witty, wise manner of speech that she would employ are recounted in the Gemara. It appears that she may have served as Rabbi Yehuda HaNasi’s housekeeper.

LANGUAGE

Curling [*silsul*] – סִלְסוּל: Although this word is found in the Bible, its primary meaning is unclear. Some claim that it refers mainly to raising or elevating, as this is one of the meanings of the root *samekh, lamed, lamed*. This is plausible based on the continuation of the verse in Proverbs cited in the Gemara, and this is how it is explained by several commentaries. The term also has the connotation of decorating or beautifying, which could be its meaning both in the verse in Proverbs and in the Gemara here. *Silsul* also means making things round, perhaps like the words *sal* and *salsala*, which both mean basket. This meaning can also pertain to styling hair.

NOTES

That applies only with regard to a ritually impure nazirite – הָנֵי מִילֵּי גַּבֵּי נָזִיר טָמֵא: The early commentaries point out that this appears to contradict the Gemara (19a) that states that according to Rabbi Elazar HaKappar, even a pure nazirite is a sinner. They answer that although the pure nazirite is considered a sinner to a certain extent because of the discomfort he causes himself by abstaining from wine, the mitzva of naziriteship and its sanctity nevertheless override this sin, and therefore he can be called beautiful (see *Tosafot* on 2b). Rabbeinu Todros, cited in *Shita Mekubbetzet*, attributes a similar opinion to Rabbeinu Tam. Among other possibilities, it is suggested in the Meiri that this might be one of those variant talmudic discussions in which the opinion of the Gemara is not consistent, especially as tractate *Nedarim* and tractate *Nazir* differ from other tractates in many ways.

Perhaps he will come to transgress, etc. – דִּלְמָא אָתֵי לְמִיעֲבַר וכו׳: The Gemara later in the tractate (19a) explains that an impure nazirite is considered a sinner because by becoming impure he is forced to undergo a second period of naziriteship and thereby repeat his initial sin of becoming a nazirite. The Gemara here does not cite this reason because this reason assumes that naziriteship is inherently sinful, whereas that is not the opinion of the Gemara here (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

It is explained in the Commentary on *Nazir* that an impure nazirite is called a sinner because he might regret his vow over the course of time. Regret is the basis for dissolving a vow, and therefore, since there was basis for dissolving his nazirite vow, when the nazirite brings his offering at the conclusion of his term of naziriteship, it is somewhat similar to sacrificing non-consecrated animals in the Temple. Other commentaries maintain that there are two separate reasons why an impure nazirite is called a sinner, both of which relate to the fact that he must begin his term of naziriteship anew: He might come to transgress his vow due to the unanticipated length of time it is taking to complete it, and alternatively he might regret his vow and bring offerings that are similar to the sacrifice of non-sacred animals (Rosh).

He did not say, I am hereby like this – הֲרֵינִי כָּזֶה לָא אָמַר: Many early commentaries found this statement puzzling, as the mishna explicitly states that he said: I am hereby like this. For this reason, *Tosafot* dismiss this version of the text as a scribal error and cite an alternate version, which reads: He did not say: I am hereby a nazirite.

The Rosh and Rabbeinu Azriel hold that the correct version of the text states: Although this is a case where he was holding his hair at the time, he did not say anything that indicated a nazirite vow. Another version of the text is cited by Rabbi Avraham min HaHar: He did not say: I am hereby in this. According to this version, had he said: I am hereby in this, while holding his hair, his statement would be interpreted to mean: I am hereby a nazirite in regard to this hair I am holding. It is therefore considered an intimation of a nazirite vow, which is binding. This is the version of the text that is recorded by the author of the *Mishne LaMelekh*, and it appears in some older editions of the Talmud.

Where a nazirite was passing, etc. – שֶׁהָיָה נָזִיר עוֹבֵר וכו׳: *Tosafot* explain that according to this answer, since one said: I am hereby like this, when a nazirite was passing before him, he becomes a nazirite even if he was not holding his hair when he made this statement. The Rosh wonders why it was necessary to mention that a statement such as this constitutes a nazirite vow. He explains that one might have thought that the individual meant to say that he is like the nazirite with regard to beauty or wisdom rather than naziriteship. Therefore, it was necessary for the mishna to state that this constitutes a nazirite vow. The Meiri explains that the novelty is not that this statement constitutes a nazirite vow, but that if one says only: I am hereby, he is not considered a nazirite even if a nazirite is walking by at that moment.

Here too, the case is where he was holding his hair, etc. – הָכָא נַמִּי שָׁתָפוּס בְּשִׂעָרוֹ וכו׳: The early commentaries explain that the terms *mesalsel* and *mekhalkel* are insufficient when said alone, even if a nazirite was passing before him, since these words do not on their own indicate naziriteship (Rosh; Rabbeinu Azriel, cited in *Shita Mekubbetzet*; Meiri). These statements are effective only if one was holding his hair at the time. Conversely, the explanation of the *Shita Mekubbetzet* is that the Gemara could have said that this is a situation where a nazirite was passing in front of him, but it preferred to explain the mishna as referring to the simpler case of one who was holding his hair.

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״הֲרֵינִי מְכַלְבֵּל״. מִמַּאי דְּהָדֵין כִּילְכּוּל שְׁעָרוֹ הוּא? כְּדְתָנַן: סִיד, רַבִּי יְהוּדָה אוֹמֵר: כְּדֵי לָסוּד כִּילְכּוּל. וַאֲמַר רַב: בַּת צִידְעָא.

The mishna rules that one who says: **I am hereby growing** my **hair** is a nazirite. The Gemara asks: **From where** is it known **that this** term **is** a reference to **growing** [*kilkul*][L] **his hair?** The Gemara answers: **As we learned** in a mishna (*Shabbat* 78b): With regard to the measure that determines liability for carrying out **lime** on Shabbat from a private to a public domain, **Rabbi Yehuda says:** The measure is **equivalent** to that which is used **to spread**[B] **on** one's ***kilkul*. And Rav said:** This is referring to the hair that grows on **the areas beneath the temple.**[N]

אֵימָא מֵיזַן עֲנִיֵּי, כְּדִכְתִיב ״וַיְכַלְכֵּל יוֹסֵף אֶת אָבִיו וְאֶת אֶחָיו״! אֲמַר שְׁמוּאֵל: הָכָא נַמִי שָׁתָפוּס בִּשְׂעָרוֹ.

The Gemara suggests: **Say** that he vowed to **sustain the poor, as it is written: "And Joseph sustained** [*vaykhalkel*] **his father and his brethren"** (Genesis 47:12). The Gemara responds that **Shmuel said: Here too,** in the mishna, the case is one **where the individual was holding his hair**[H] when he made his pronouncement, so that it was clear that he was referring to growing his hair.

״הֲרֵי עָלַי לְשַׁלֵּחַ פֶּרַע הֲרֵי זֶה נָזִיר״. מִמַּאי דְּהָדֵין שִׁלּוּחַ רִיבּוּיָא הוּא? דִּכְתִיב ״שִׁלָּחַיִךְ פַּרְדֵּס רִמּוֹנִים״.

The mishna rules that with regard to one who says: **It is** incumbent **upon me to grow** [*leshale'aḥ*] **long hair, he is a nazirite.** The Gemara asks: **From where** is it known **that this** term ***shilu'aḥ,*** **is** an expression of **increase** and growth? The Gemara answers: **As it is written: "Your tresses** [*shelaḥayikh*] **are a park of pomegranates"** (Song of Songs 4:13).[N]

אֵימָא מִידֵּי דְּעַבּוּרֵי, כְּדִכְתִיב ״וְשֹׁלֵחַ מַיִם עַל פְּנֵי חוּצוֹת״!

The Gemara suggests: **Say** that it is referring to **a matter** involving **transfer,**[N] **as it is written: "And sends** [*shole'aḥ*] **water upon the earth"** (Job 5:10), where the word *shole'aḥ* is referring to the transport of water from one place to another. Here too, the individual taking the vow might mean that he intends to transfer, i.e., to remove, his hair.

תַּנָּא ״פֶּרַע״ ״פֶּרַע״ יָלֵיף. כְּתִיב הָכָא ״קָדֹשׁ יִהְיֶה גַּדֵּל פֶּרַע״. וּכְתִיב הָתָם גַּבֵּי כֹּהֵן הֶדְיוֹט ״וּפֶרַע לֹא יְשַׁלֵּחוּ״.

The Gemara answers: The ***tanna***[N] **derives** the meaning of this term based upon a verbal analogy of the term **long locks** [*pera*] written with regard to a nazirite and the term **long locks** [*pera*] written with regard to a priest. **It is written here,** with regard to a nazirite: **"He shall be holy, he shall let the** hair of his head **grow** [*gadel*] **long locks** [*pera*]" (Numbers 6:5). **And it is written there, with regard to a common priest** serving in the Temple: **"And they will not let their locks grow long** [*pera lo yeshaleḥu*]**"** (Ezekiel 44:20). Just as the word *pera* with regard to a nazirite indicates growing long hair, so too, in the case of a priest it is referring to growing long hair. This proves that the term *shilu'aḥ* means letting one's hair grow.

וְאִיבָּעֵית אֵימָא: הַאי ״שׁוֹלֵחַ מַיִם״ נַמִי רִיבּוּי הוּא, (כְּדִמְתַרְגֵּם רַב יוֹסֵף:) דְּכַד מַשְׁקִין לֵיהּ מַיָּא לְפֵירָא וְרַבִּי.

The Gemara offers an alternate answer: **And if you wish, say** that the meaning of the word *shole'aḥ* in **that** phrase: **Sends** [*shole'aḥ*] **water, is also increase** and growth, **as Rav Yosef translated**[N] this verse into Aramaic in the following manner: **When one waters produce,**[N] **it grows.** Consequently, the verse is referring to growth by means of water.

LANGUAGE

Growing [*kilkul*] – כִּילְכּוּל: This word is found in several places in the Mishna. In Syriac, it means a full head of hair. Its precise definition in the Mishna is the hair growing on the temples. The word *kilkul* is also used to describe excessive hair growth on different parts of the body (see *Nidda* 52b).

BACKGROUND

To spread – לָסוּד: For many generations, women have considered body hair an aesthetic blemish and have used different methods to remove it. One method, employed mostly by women who could not afford expensive materials, was to dissolve the hair by plastering the specific area with lime, found in chalk deposits. One needed to be particularly careful about this treatment, since the lime could cause serious burns on the skin. In a few cases described in the Talmud, it even caused fatal injuries.



Chalk deposit in the Negev

HALAKHA

Where he was holding his hair – שֶׁתָּפוּס בִּשְׂעָרוֹ: If one said: I am hereby a hair curler, or: I am hereby growing my hair, or: It is hereby incumbent upon me to grow long hair, and when he made this statement he was holding his hair and intended to become a nazirite, his statement is considered a nazirite vow (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:6).

NOTES

The areas beneath the temple – בַּת צִידְעָא: *Tosafot*, on *Nidda* 52b, cite a different version of the Gemara, which states: The temple and the areas beneath the temple. This version of the text is consistent with the Gemara in *Shabbat* (80b), where Rav says that *kilkul* is referring to the hair on the temple itself. According to this understanding, the phrase: The areas beneath the temple, is not the definition of the word *kilkul*, and it is cited here only because it appears in that passage in *Shabbat* in addition to the word *kilkul* (*Oraḥ Mishor*).

Your tresses are a park of pomegranates – שִׁלָּחַיִךְ פַּרְדֵּס רִמּוֹנִים: See the Commentary on *Nazir*. Rabbi Avraham min HaHar explains, citing Rashi, that the verse should be understood as follows: The hairs that grow on your head are like an orchard of pomegranates.

Say that it is referring to a matter involving transfer, etc. – אֵימָא מִידֵּי דְּעַבּוּרֵי וכו׳: It is explained in the Commentary on *Nazir* that, according to the conclusion of the Gemara, even if *shilu'aḥ* means transfer, the phrase: It is incumbent upon me *leshale'aḥ* long hair, is still understood as referring to naziriteship. The individual is understood to be saying: It is incumbent upon me to remove the long hair from my head after growing it for the thirty days of naziriteship.

The *tanna*, etc. – תַּנָּא וכו׳: *Tosafot* explain that this is not a reference to the *tanna* of the mishna here, but rather the *tanna* cited in *Sanhedrin* 22b, who states that a priest must cut his hair every thirty days. The Gemara there explains that this is because thirty days' growth is considered long locks, as derived from a verbal analogy based on the verse concerning a priest and the one pertaining to a nazirite. The Gemara here also cites this verbal analogy as proof of the meaning of the term *shiluaḥ*. However, the Rosh maintains that the Gemara here is referring to the *tanna* of the mishna here, who derived from the verbal analogy that just as the term *shiluaḥ* in the context of priests is referring to growing long hair, so too with regard to a nazirite.

As Rav Yosef translated – כְּדִמְתַרְגֵּם רַב יוֹסֵף: The early commentaries prove that the Aramaic translation of the book of Job existed already in the time of the *tanna'im* (see *Tosafot* on *Shabbat* 115a). Consequently, Rav Yosef is not the author of the translation, and the statement is attributed to him because he would often cite it. The Maharatz Ḥayyut notes that the Aramaic translation that is currently extant does not render the verse in the manner cited here in the Gemara. It is therefore possible that this was actually Rav Yosef's own translation.

When one waters produce, etc. – דְּכַד מַשְׁקִין לֵיהּ מַיָּא וכו׳: *Tosafot* point out that even if the verse in Job is explained as referring to growth, the usual meaning of the word *shilu'aḥ*, when it appears in the Torah, is transfer rather than growth (see Deuteronomy 22:7). They explain that the Gemara's question is: Perhaps there is no source at all that the word could mean growth, and the verse in Song of Songs should be understood differently. For this reason, the Gemara demonstrates that the verse in Job may be understood to use this word to mean growth. Consequently, it is reasonable to assume that when an individual employs the term *leshale'aḥ* in reference to his hair, he is using the word in the sense of growth and intends to become a nazirite (*Tosafot*; Rabbeinu Todros, cited in *Shita Mekubbetzet*). It is explained in the *Shita Mekubbetzet* that although *shilu'aḥ* is often used in the Torah to mean removal, that is the case when the word is used in the context of living creatures. The discussion here pertains to the word *shiluaḥ* when it is used in other contexts.

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״הֲרֵי עָלַי צִיפָּרִין רַבִּי מֵאִיר אוֹמֵר נָזִיר״. מַאי טַעְמָא דְּרַבִּי מֵאִיר? אָמַר רֵישׁ לָקִישׁ: צִיפָּרִין סְמוּכִין לְשֵׂיעָר קִיבֵּל עָלָיו, דִּכְתִיב ״עַד דִּי שַׂעֲרֵיהּ כְּנִשְׁרִין וְטִפְרוֹהִי כְּצִפָּרִין״.

§ The mishna taught that if one says: An obligation **is hereby** incumbent **upon me** with regard to **birds,**[N] **Rabbi Meir says: He is a nazirite,** and the Sages say: He is not a nazirite. The Gemara asks: **What is the reason** for the opinion **of Rabbi Meir? Reish Lakish said: He accepted upon himself** an obligation with regard to the **birds** that are **juxtaposed** in a verse **to hair,**[N] **as it is written: "Until his hair was grown like eagles' feathers, and his nails like birds' claws"** (Daniel 4:30). Since the verse juxtaposes birds with growing hair, it is understood that when this individual accepted an obligation with regard to birds, he was referring to growing his hair as a nazirite.

רַבִּי מֵאִיר סָבַר: מַתְפִּיס אִינִישׁ בְּמִידֵּי דְּסָמִיךְ לֵיהּ.

The Gemara explains the basis of the dispute: **Rabbi Meir holds** that **a person associates** the object of his vow with **something that is juxtaposed** to it in a verse, so that when he says that it is incumbent upon him to bring birds, he means that it is incumbent upon him to grow his hair.

NOTES

An obligation is hereby incumbent upon me with regard to birds [*tzipporin*] – הֲרֵי עָלַי צִפּוֹרִין: Rav Natan *Av HaYeshiva* cites an alternative version of the text in his commentary to the mishna: An obligation is hereby incumbent upon me with regard to nails [*tzippornayyim*]. According to this version, the speaker has vowed to grow his nails long. The idea is similar to that of the common version of the Gemara text: Since the verse mentions growing nails right next to growing hair, the implication of his statement is that he intends to grow his hair long as a nazirite. However, it is difficult to reconcile this version of the text with the continuation of the Gemara.

The birds that are juxtaposed in a verse to hair – צִיפָּרִין סְמוּכִין לְשֵׂיעָר: In the Jerusalem Talmud, it is Rabbi Yoḥanan who explains that the statement is considered a nazirite vow due to the placement of the word "birds" in the verse in Daniel. The word "eagles" is a substitute term for a nazirite vow, as hair is compared to eagles in the verse: "Until his hair was grown like eagles' feathers." Since the verse continues and mentions birds, stating: "And his nails like birds' claws," birds are viewed a substitute for the original substitute term, which is eagles.

Tosafot claim that Reish Lakish's explanation is based not only on the juxtaposition of the words in the verse but on a combination of that juxtaposition and the fact that an impure nazirite must bring birds for his purification. According to the Commentary on *Nazir*, the Gemara is referring to a case where one took this vow as a nazirite was passing before him or as he was holding his hair (see Rosh).

Perek **I**
Daf **3** Amud **b**

וְרַבָּנַן סָבְרִי: לָא מַתְפִּיס אִינִישׁ בְּמִידֵּי דְּסָמִיךְ לֵיהּ.

And the Rabbis hold that **a person does not associate** the object of his vow with **something that is juxtaposed to it** in a verse, and the individual did not mean to take a nazirite vow.

רַבִּי יוֹחָנָן אֲמַר: דְּכוּלֵי עָלְמָא לָא מַתְפִּיס. אֶלָּא הַיְינוּ טַעְמָא דְּרַבִּי מֵאִיר: דְּחָיְישִׁינַן שֶׁמָּא צִפּוֹרֵי נְזִיר טָמֵא קִיבֵּל עָלָיו.

Rabbi Yoḥanan said: Everyone agrees that one **does not associate** the object of his vow with something juxtaposed to it in a verse. **Rather, this is the reason of Rabbi Meir: We are concerned** that **perhaps he accepted upon himself the birds of an impure nazirite.**[B] Since an impure nazirite must bring two birds as offerings if he inadvertently becomes impure from a corpse (Numbers 6:10), when the individual accepts upon himself an obligation pertaining to birds, he means that he is becoming a nazirite and will be responsible for bringing an offering of birds if he becomes impure.

מִכְּדֵי חָיְישִׁינַן קָאָמַר, דִּלְמָא צִפּוֹרֵי נְדָבָה קִיבֵּל עָלָיו! אִם כֵּן ״הֲרֵי עָלַי קֵן״ מִבָּעֵי לֵיהּ.

The Gemara asks: **Since** Rabbi Yoḥanan **said** that, even according to Rabbi Meir, **we are concerned**[N] that the individual intended to become a nazirite, but it is not clear that this was his intention, it can be argued that **perhaps he accepted upon himself a gift** offering of birds as a burnt-offering. Consequently, why is he considered a nazirite? The Gemara answers: **If** it was **so,** that his intention was to bring a gift offering, **he should have** said: **It is hereby** incumbent **upon** me to bring **a nest,**[N] which is the common expression used to accept an obligation to bring a gift offering of birds.

NOTES

We are concerned, etc. – חָיְישִׁינַן קָאָמַר וכו׳: The Gemara's question is as follows: According to Rabbi Yoḥanan, his vow is not necessarily a nazirite vow. Rather, it is uncertain whether he intended to take a nazirite vow or a different vow. Since a nazirite vow must be expressed clearly, as explained in the Gemara (34a), why is this considered a nazirite vow (Commentary on *Nazir*)?

Another explanation of the Gemara's question is: Since a nazirite vow includes many more stringencies than a vow to bring a gift offering, it should be assumed that he meant to accept the less stringent vow (*Tosafot*). Alternatively, there is a principle that one is lenient in cases of uncertainty with regard to naziriteship (Rosh).

Other commentaries explain the question in the following manner: Since it is not clear from his statement whether he intended to become a nazirite or to bring gift offerings, he should be required to fulfill both of the vows (*Shita Mekubbetzet*; Meiri; see Rosh).

It is hereby incumbent upon me to bring a nest, etc. – הֲרֵי עָלַי קֵן וכו׳: The term nest was typically used in reference to voluntary bird offerings, which is why the tractate that deals with this topic is called *Kinnim*, which means nests. If the individual intended to obligate himself to bring a voluntary bird offering, he would have used the standard term (*Tosafot*). The Rosh adds that since there is a principle that vows are interpreted according to the vernacular, and people generally call voluntary bird offerings nests, it cannot be assumed that he was referring to a voluntary bird offering when he did not use that term. It is explained in the Jerusalem Talmud that the Rabbis, who disagree with Rabbi Meir in the mishna, maintain that although the individual cannot be assumed to have been referring to a voluntary bird offering, it may be assumed that he meant to donate birds to the Temple treasury. This is in accordance with the principle found in the Jerusalem Talmud that vows are interpreted according to the language of the Torah (*Tziyyun Yerushalayim*).

BACKGROUND

The birds of an impure nazirite – צִפּוֹרֵי נְזִיר טָמֵא: According to the Torah (Numbers 6:9–12), when a nazirite becomes ritually impure through contact with a corpse, whether intentionally or not, he must first purify himself. He then brings two pigeons to the Temple as offerings, one as a sin-offering and the other as a burnt-offering, as well as a lamb as a guilt-offering. Afterward, he must start his term of naziriteship over again.

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וְדִלְמָא ״הֲרֵי עָלַי צִפּוֹרֵי מְצוֹרָע״ קָאָמַר! כְּגוֹן שֶׁהָיָה נָזִיר עוֹבֵר לְפָנָיו. וְדִלְמָא נָזִיר טָמֵא, וּלְפוֹטְרוֹ מִן קָרְבְּנוֹתָיו קָאָמַר! כְּגוֹן שֶׁהָיָה נָזִיר טָהוֹר עוֹבֵר לְפָנָיו.

The Gemara asks further: **But perhaps he** was **saying: It is** incumbent **upon me** to bring the **birds of a leper,**[BN] rendering himself liable to bring a leper's offerings on a leper's behalf (see Leviticus 14:4). The Gemara answers: This is a case **where a nazirite was passing before him** when he spoke, and he clearly had naziriteship in mind. The Gemara asks: **But perhaps** it was **an impure nazirite, and he** was **saying** that he accepts the obligation **to exempt** the nazirite **from his offerings** by sacrificing them on the nazirite's behalf. The Gemara answers: This is a case **where a pure nazirite was passing before him.**[N]

מַאי בֵּינַיְיהוּ?

The Gemara asks: **What is** the difference **between** the opinions of Reish Lakish and Rabbi Yoḥanan? After all, according to both explanations it is necessary to say that this is a case where a nazirite was passing before him.

אִיכָּא בֵּינַיְיהוּ כְּגוֹן דַּאֲמַר ״צִיפֳּרִין הַסְּמוּכִין לְשֵׂעָר עָלַי״. לְרַבִּי יוֹחָנָן, אַף עַל גַּב דַּאֲמַר הָכִי, אִי נָזִיר עוֹבֵר לְפָנָיו – אִין, אִי לָא – לָא. לְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ – אַף עַל גַּב דְּאִין נָזִיר עוֹבֵר לְפָנָיו.

The Gemara answers: **There is** a practical difference **between them** in a case **where he** explicitly **said:** An obligation is hereby incumbent **upon me** with regard to **the birds juxtaposed** in the verse **to hair. According to Rabbi Yoḥanan, although he said this, if a nazirite was passing before him, yes,** Rabbi Meir considers it a nazirite vow; **if not, no,** it is not considered a nazirite vow. Conversely, **according to Rabbi Shimon ben Lakish, although no nazirite was passing before him,** Rabbi Meir considers it a nazirite vow, as he holds that according to Rabbi Meir, one associates the object of his vow with something juxtaposed to it in a verse.

מִי אִיכָּא לְמַאן דְּאָמַר לָא מַתְפִּיס אִינִישׁ בְּמִילְּתָא דְּסָמִיךְ לֵיהּ? וְהָתַנְיָא: הָאוֹמֵר ״יָמִין״ – הֲרֵי זוֹ שְׁבוּעָה. מַאי טַעְמָא – לָאו מִשּׁוּם דִּכְתִיב ״וַיָּרֶם יְמִינוֹ וּשְׂמֹאלוֹ אֶל הַשָּׁמַיִם וַיִּשָּׁבַע בְּחֵי הָעוֹלָם״?

The Gemara asks: **Is there,** in fact, **anyone who says** that **a person does not associate** the object of his vow with **something juxtaposed to it** in a verse? **Isn't it taught** in a *baraita* that in the case of **one who says: Right** [*yamin*],[L] **that is** an expression of **an oath? What is the reason** for this? Is it **not because it is written: "When he lifted up his right hand and his left hand unto heaven, and swore by Him that lives forever"** (Daniel 12:7)? It seems evident that the term "right" indicates an oath merely because in the verse it is juxtaposed to an oath.

אָמְרִי: לָא, מִשּׁוּם דְּיָמִין גּוּפֵיהּ אִיקְּרִי שְׁבוּעָה. דְּתַנְיָא: מִנַּיִן לָאוֹמֵר ״יָמִין״ שֶׁהִיא שְׁבוּעָה – שֶׁנֶּאֱמַר ״נִשְׁבַּע ה׳ בִּימִינוֹ״. וּמִנַּיִן לָאוֹמֵר ״שְׂמֹאל״ שֶׁהִיא שְׁבוּעָה – שֶׁנֶּאֱמַר ״וּבִזְרוֹעַ עֻזּוֹ״.

The Gemara rejects this: **Say no,** it is **because** the **right** hand **itself is called an oath, as it is taught** in a *baraita*: **From where** is it derived **that** in the case of **one who says: Right, that it is an oath?** It is derived from the verse where it **is stated: "The Lord has sworn by His right hand"** (Isaiah 62:8).[N] **And from where** is it derived **that** in the case of **one who says: Left,**[H] **that it is an oath?** It is derived from the continuation of that verse, where it **is stated: "And by the arm of His strength"** (Isaiah 62:8). Since this is the complementary phrase for the right hand, it must refer to the left hand. It is clear from here that both right and left are themselves expressions of an oath and do not indicate an oath merely because they are juxtaposed in a verse to an expression of an oath.

BACKGROUND

The birds of a leper – צִפּוֹרֵי מְצוֹרָע: The Torah prescribes the use of two birds in the purification ceremony undergone by a cured leper or by the owner of a previously leprous house (see Leviticus 14:4–7, 49–53). Both these birds must be alive, unblemished, non-domesticated, and from a kosher species. The general practice was to use a kind of sparrow. One of the birds is slaughtered over an earthenware vessel filled with springwater, and its blood is drained into the water in this vessel. This mixture is sprinkled on the cured leper or house. The other bird is dipped in the mixture of blood and water and set free. The second bird is not considered sacred. If it is captured after being set free, it may be slaughtered and eaten or used for any other purpose.

LANGUAGE

Right [*yamin*] – יָמִין: Apparently, the connotation is influenced by the root of the word, since the root *yud, mem, nun* is similar to the root *alef, mem, nun*, which indicates faith, trustworthiness, and proper conduct. The connection between right and righteous is also found in other languages. In light of this, one who merely employs the word *yamin* in accepting an obligation has thereby expressed an oath, as this term connotes acceptance with faith.

HALAKHA

That in the case of one who says: Right…one who says: Left – לָאוֹמֵר יָמִין...לָאוֹמֵר שְׂמֹאל: One who uses the term right has uttered an oath, and the same applies to one who uses the term left. The Rema writes, citing the *Tur*, and in accordance with the opinion of the Ra'avad, that this is the case only if one had in mind the right hand and left hand mentioned in the verse "God has sworn by His right hand" (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 2:6; *Shulḥan Arukh*, *Yoreh De'a* 237:8).

NOTES

Birds of a leper, etc. – צִיפּוֹרֵי מְצוֹרָע וכו': One explanation of the Gemara's question is that he might have intended to bring two birds and offer them in the manner of the leper's purification ritual (Commentary on *Nazir*). However, most commentaries maintain that he meant to obligate himself to bring bird offerings in order to exempt a leper from having to bring his own birds (*Tosafot*; Meiri). Some explain that the Gemara is not suggesting that he should be required to bring only an offering of leper's birds. Rather, in addition to becoming a nazirite, he should be required to bring an offering of birds (see Rosh).

Where a pure nazirite was passing before him – כְּגוֹן שֶׁהָיָה נָזִיר טָהוֹר עוֹבֵר לְפָנָיו: *Tosafot* ask: Even if a pure nazirite passed by, the speaker might have intended to bring the bird offerings in place of the nazirite, in the event that the nazirite became impure. They answer that this is a case where the speaker explains that he meant to accept naziriteship upon himself. This raises a further difficulty: If the speaker is asked to clarify his intention, why is it necessary for a nazirite to be passing before him when he mentions birds? *Tosafot* answer that one's statement must accurately reflect one's intention when he accepts naziriteship. However, *Tosafot* also cite the opinion of Rabbeinu Peretz, who contends that the answer cannot be that the speaker is asked to clarify what he meant, since this requirement is not mentioned in the Gemara. Rather, it is not assumed that he would be referring to the birds the nazirite would have to offer if he were to become impure, since one does not accept upon himself an obligation that does not yet exist. This is not similar to the discussion concerning the birds of a leper, since there it can be assumed that there is a leper somewhere who is already in need of them.

The Lord has sworn by His right hand – נִשְׁבַּע ה׳ בִּימִינוֹ: In other words, it is as though God has sworn by something that can be used in an oath, His right hand. This is considered a sacred article, like one who swears by the Torah or any other sacred item. The Ra'avad learns from here that if one takes an oath using the words: By the right, without intending to refer to God's right hand, the oath is not effective. Other commentaries maintain that the term right itself indicates an oath, even if one does not intend to refer to God's right hand.

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HALAKHA

I am hereby a nazirite and therefore will refrain from grape seeds, etc. – הֲרֵינִי נָזִיר מִן הַחַרְצַנִּים וכו׳: If one said: I am a nazirite and therefore will refrain from grape seeds, or: I am a nazirite and therefore will refrain from grape skins, or: I am a nazirite and therefore will refrain from impurity, or: I am a nazirite and therefore will refrain from shaving, then he is a nazirite, and all the *halakhot* of naziriteship apply to him. Even if he intended to accept only one of the prohibitions of naziriteship, he becomes a nazirite in every sense (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:9).

***Kiddush* and *havdala* – קִדּוּשָׁתָא וְאַבְדָּלְתָּא:** A nazirite is prohibited from drinking wine in the performance of a mitzva. Consequently, it is prohibited for him to drink the wine from *kiddush* or *havdala* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:11).

מתני׳ ״הֲרֵינִי נָזִיר מִן הַחַרְצַנִּים״ וּ״מִן הַזְּגִּים״ וּ״מִן הַתְּגָלַחַת״ וּ״מִן הַטּוּמְאָה״ – הֲרֵי זֶה נָזִיר, וְכָל דִּקְדּוּקֵי נְזִירוּת עָלָיו.

MISHNA If one said: **I am hereby a nazirite** and therefore will refrain **from** grape **seeds,**[H] **or:** I am hereby a nazirite and therefore will refrain **from** grape **skins, or: From shaving, or: From impurity, he is a nazirite. And all details of naziriteship** are incumbent **upon him.**[N] Not only does the prohibition he mentioned take effect, he is bound by all of the strictures of naziriteship.

גמ׳ מַתְנִיתִין דְּלָא כְּרַבִּי שִׁמְעוֹן. דְּתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר: אֵינוֹ חַיָּיב עַד שֶׁיִּדֹּור מִכּוּלָּם, וְרַבָּנַן אָמְרִי: אֲפִילּוּ לֹא נָזַר אֶלָּא בְּחַד מִנְּהוֹן הֲוֵי נָזִיר.

GEMARA The Gemara comments: **The mishna is not in accordance with** the opinion of **Rabbi Shimon,**[N] **as it is taught** in a *baraita* that **Rabbi Shimon says:** One **is not obligated**[N] as a nazirite **until he vows** that **all** items and actions forbidden to a nazirite are forbidden **to** him. **And the Rabbis say: Even if he vowed** to abstain **from only one of them, he is a nazirite.**

מַאי טַעֲמָא דְּרַבִּי שִׁמְעוֹן? אָמַר קְרָא ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן מֵחַרְצַנִּים וְעַד זָג״. וְרַבָּנַן מַאי טַעֲמָא? אָמַר קְרָא ״מִיַּיִן וְשֵׁכָר יָזִיר״.

The Gemara explains: **What is the reason** for the opinion **of Rabbi Shimon? The verse states** with regard to a nazirite: "All the days of his naziriteship he shall not eat **from anything that is made of the grapevine, from pits to grape skin"** (Numbers 6:4),[N] which indicates that his vow of naziriteship must include all the prohibitions of a nazirite. The Gemara continues to clarify: **And** according to **the Rabbis, what is the reason** that he becomes a nazirite even if he specified only one of the prohibitions of a nazirite? **The verse states: "He shall abstain from wine and strong drink"** (Numbers 6:3). This implies that even if one vows to abstain only from wine and strong drink, all of the *halakhot* of a nazirite take effect.

וְרַבִּי שִׁמְעוֹן נַמִּי, הָכְתִיב ״מִיַּיִן וְשֵׁכָר יָזִיר״! הַהוּא מִיבָּעֵי לֵיהּ לְאֵסּוֹר יֵין מְצָוָה כְּיֵין הָרְשׁוּת.

The Gemara asks: **And also** according to **Rabbi Shimon, isn't it written "he shall abstain from wine and strong drink"?** The Gemara answers: Rabbi Shimon **requires that** verse **to prohibit** a nazirite from drinking **wine** that is consumed for **a mitzva** just **as** he is prohibited from drinking **wine** whose consumption is **optional.**

מַאי הִיא – קִדּוּשָׁתָא וְאַבְדָּלְתָּא?

The Gemara asks: **What is** wine that is consumed for a mitzva? Is it the wine of ***kiddush* and *havdala*?**[H]

NOTES

And all details of naziriteship are incumbent upon him – וְכָל דִּקְדּוּקֵי נְזִירוּת עָלָיו: The commentaries write that it was necessary for the mishna to specify this because the mishna on 4a discusses the *halakhot* of a permanent nazirite and a nazirite like Samson, and not all the details of naziriteship apply to the latter. The mishna here therefore states that in the case under discussion, all of the *halakhot* of a nazirite are in effect, despite the fact that one mentioned only one aspect of the *halakhot* of naziriteship (*Tosafot*; Rosh).

The mishna is not in accordance with the opinion of Rabbi Shimon – מַתְנִיתִין דְּלָא כְּרַבִּי שִׁמְעוֹן: Rabbeinu Todros explains that Rabbi Shimon similarly disagrees with the Rabbis concerning one who says: I am hereby a hair curler, since he is referring only to the prohibition against cutting hair. Most commentaries disagree, however, and hold that one who says: I am hereby a hair curler, intends to accept standard naziriteship. Since he does not say that he will curl his hair, but that he is becoming a hair curler, his point is that he intends to be like a nazirite, who is someone who curls his hair. Rabbi Shimon disagrees only in a case where one explicitly states that he is accepting upon himself just a single aspect of naziriteship. This is also indicated by the Jerusalem Talmud (Rosh; *Shita Mekubbetzet*).

One is not obligated – אֵינוֹ חַיָּיב: Some commentaries explain that Rabbi Shimon does not hold that the statement is entirely meaningless. Rather, the speaker has taken a regular vow to render grape seeds forbidden. This vow takes effect, but it is not a nazirite vow (Meiri; see Rabbi Avraham min HaHar).

From pits to grape skin – מֵחַרְצַנִּים וְעַד זָג: Once the verse states: "From anything that is made of the grapevine," the phrase "from pits to grape skin" is unnecessary. Rabbi Shimon derives from this seemingly unnecessary phrase that just as one is a nazirite only if he accepts all the prohibitions associated with grape products, one is a nazirite only if he accepts all the prohibitions of naziriteship. However, one does not have to specify all the relevant prohibitions, as one who says simply: I am a nazirite, is bound by all aspects of naziriteship. It is only in a case where one goes into detail that he must specify all the prohibitions of a nazirite (Rosh).

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הֲרֵי מוּשְׁבָּע וְעוֹמֵד עָלָיו מֵהַר סִינַי!

He is already sworn[N] **and obligated about it from Mount Sinai,** i.e., he is obligated by Torah law to keep the *halakhot* of naziriteship, and therefore it is obvious that he may not drink wine from *kiddush* or *havdala*, as drinking the wine is required by rabbinic law (Rambam).

אֶלָּא כִּי הָא דַּאֲמַר רָבָא: ״שְׁבוּעָה שֶׁאֶשְׁתֶּה״ וְחָזַר וְאָמַר ״הֲרֵינִי נָזִיר״ אָתְיָא נְזִירוּת חָיְילָא עַל שְׁבוּעָה.

Rather, it is **like that**[N] **which Rava said:** If one said: I hereby take **an oath that I will drink** wine, **and he then said:**[H] **I am hereby a nazirite,** the **naziriteship comes** and **applies**[N] **to the** subject of his **oath.** Although drinking wine is a mitzva for him due to his oath, his naziriteship supersedes the previous oath and renders it prohibited for him to drink wine.

וְרַבָּנַן נַמִּי, הָא מִיבָּעֵי לֵיהּ לְאֵסוֹר יֵין מִצְוָה כְּיֵין רְשׁוּת! אִם כֵּן לֵימָא קְרָא ״מִיַּיִן״. מַאי ״וְשֵׁכָר״ – שָׁמְעַתְּ מִינָּהּ תַּרְתֵּי.

The Gemara asks: **And** according to **the Rabbis also, isn't** the verse **needed to prohibit** to a nazirite **wine** that is consumed as **a mitzva,** just **like wine** whose consumption is **optional?** The Gemara answers: **If** that is **so, let the verse say** only "he shall abstain **from wine"** (Numbers 6:3). **What** is the purpose of the additional phrase **"and strong drink"? Learn from it** that the verse teaches **two** *halakhot*, that one is a full-fledged nazirite even if he accepted only one of the prohibitions of naziriteship, and that a nazirite is prohibited from drinking wine even when its consumption is a mitzva.

וְרַבִּי שִׁמְעוֹן: הַיְינוּ טַעְמָא דְּכָתַב ״שֵׁכָר״ – לְאַלּוּפֵי ״שֵׁכָר״ ״שֵׁכָר״ לַמִּקְדָּשׁ. דִּכְתִיב ״יַיִן וְשֵׁכָר אַל תֵּשְׁתְּ אַתָּה וּבָנֶיךָ אִתָּךְ״, מַה גַּבֵּי נָזִיר יַיִן הוּא דְּלִיתְסַר, אֲבָל שְׁאָר מַשְׁקִין – לָא. אַף גַּבֵּי מִקְדָּשׁ נַמִּי, יַיִן הוּא דְּלִיתְסַר, אֲבָל שְׁאָר מַשְׁקִין הַמְשַׁתְּכְּרִין – לָא.

The Gemara explains: **And Rabbi Shimon** could respond to this argument as follows: **This is the reason that** the verse **writes "strong drink":** It is **to teach** a verbal analogy between **"strong drink"** written here and **"strong drink"** written **with regard to** entering and performing service in **the Temple, as it is written** that Aaron the priest was commanded: **"Do not drink wine or strong drink, you nor your sons with you,** when you go into the Tent of Meeting" (Leviticus 10:9). This teaches: **Just as with a nazirite, it is wine** alone **that is forbidden**[H] **but other beverages** are **not** forbidden, **so too, with regard to** the **Temple,**[N] **it is wine that is forbidden** to priests, **but other intoxicating beverages** are **not** forbidden to them.

HALAKHA

An oath that I will drink wine, and he then said, etc. – שְׁבוּעָה שֶׁאֶשְׁתֶּה, וְחָזַר וְאָמַר וכו׳: If one takes an oath that he will drink wine today and subsequently takes a nazirite vow, the nazirite vow takes effect and supersedes the oath, and it is therefore prohibited for him to drink wine (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:11).

It is wine alone that is forbidden – יַיִן הוּא דְּלִיתְסַר: It is prohibited for a nazirite to consume wine or any product that contains grape derivatives. However, it is permitted for him to drink strong drinks made from figs or other produce (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:1).

NOTES

He is already sworn, etc. – הֲרֵי מוּשְׁבָּע וכו׳: This version of the Gemara text is difficult. The plain meaning of the Gemara seems to indicate that one is obligated from Mount Sinai to drink the wine from *kiddush* and *havdala* (Commentary on *Nazir*). This fits well with the version of the *She'iltot* that states that there is a mitzva by Torah law to mention Shabbat over wine at its beginning, in *kiddush*, and at its end, during *havdala*. According to this opinion, the Gemara refutes the possibility that the verse teaches that a nazirite is prohibited from drinking *kiddush* and *havdala* wine, and the early authorities of Ashkenaz ruled accordingly. A different interpretation, also based on this version of the text, is that just as the Gemara states that a nazirite cannot be viewed as beautiful if his naziriteship involves a transgression (2b), the Torah would likewise have refrained from praising a nazirite if his vow meant he could not drink the wine of *kiddush* and *havdala* (*Tosefot Rabbeinu Peretz*).

However, most commentaries reject these opinions, since it is evident from other sources that although *kiddush* is a mitzva by Torah law, the use of wine is by rabbinic law. This is certainly the case with regard to reciting *havdala* over wine. Furthermore, since one can recite *kiddush* over bread or fulfill the mitzva by listening to the *kiddush* of another individual, the drinking of *kiddush* wine cannot be seen as an act that is incumbent on one from Mount Sinai and that should therefore be permitted to a nazirite. Consequently, many commentaries accept a different version of the text, attributed to Rabbeinu Tam, according to which the Gemara asks rhetorically: Is he already sworn from Mount Sinai? In other words, it is obvious that a nazirite may not drink the wine from *kiddush* or *havdala*, as there is no mitzva by Torah law to drink this wine. The Rosh and most commentaries explain the text in this manner.

The Rambam, in his Responsa (120), explains the Gemara differently: It is obvious that the mitzva of *kiddush* over wine is by rabbinic law. The words: He is already sworn about it from Mount Sinai, refer not to the mitzvot of *kiddush* and *havdala* over wine, but to the prohibitions of naziriteship. The Gemara is then saying: If you say that this *halakha* teaches that a nazirite is prohibited from drinking *kiddush* wine, that is not a novelty, since *kiddush* is a rabbinic mitzva, whereas a nazirite is sworn by Torah law to uphold his vow of naziriteship.

Rather it is like that, etc. – אֶלָּא כִּי הָא וכו׳: This version of the text does not make sense according to the commentaries who explain that the nazirite is considered to have sworn from Mount Sinai to perform *kiddush* and *havdala* with wine. The Rosh explains that according to that opinion, the word: Rather, should be omitted, as Rava's statement is a continuation of the previous argument. The Gemara is then providing proof that the prohibitions of naziriteship take precedence over the mitzva wine of *kiddush* and *havdala*, by demonstrating that the prohibitions of naziriteship take precedence over an oath to drink wine. However, others explain that according to these commentaries, although a nazirite is not prohibited from drinking the wine of *kiddush* and *havdala*, he is prohibited from drinking wine that he took an oath to drink (Meiri, citing Rashi; Commentary on *Nazir*; see Rashba).

Naziriteship comes and applies, etc. – אָתְיָא נְזִירוּת חָיְילָא וכו׳: The Rashba, in his Responsa (4:109), explains the Gemara in the following manner: A nazirite vow prohibits the nazirite from consuming wine, and also takes effect with regard to the wine itself and causes the wine to be considered a forbidden item vis-à-vis the nazirite. In this regard, a nazirite vow is similar to other vows, which render an item forbidden. By contrast, oaths create an obligation or a prohibition that applies to the person who took it (see *Nedarim* 2b). Consequently, even if the individual has already obligated himself to drink wine, since the wine itself becomes a forbidden item due to his nazirite vow, he may not fulfill his oath by drinking the wine. However, it is explained in the Meiri that a nazirite vow is like an oath in that it applies only to the individual, prohibiting him from consuming wine, but does not affect the status of the wine itself. The verse teaches that naziriteship overrides one's earlier oath, as it is more inclusive and powerful than a regular oath.

So too with regard to the Temple, etc. – אַף גַּבֵּי מִקְדָּשׁ נַמִּי וכו׳: This does not mean that a priest is permitted to perform the service when he is drunk from some other intoxicating beverage, since the Torah's prohibition applies to all intoxicating drinks. Rather, one who drinks other beverages and proceeds to serve in the Temple is not liable to death at the hand of Heaven, which is the punishment reserved for one who performs the Temple service while drunk from wine (*Shita Mekubbetzet*).

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HALAKHA

Ate a dried fig from Ke'ila, etc. – אָכַל דְּבֵילָה קְעִילִית וכו': A priest who becomes drunk from any intoxicating beverage is prohibited from entering the Temple. If he performed service in the Temple after drinking an intoxicating beverage other than wine, he is liable to receive lashes, though his service is valid. If he performed a service after drinking wine, his service is invalid and he is liable to death at the hand of Heaven. The *halakha* is in accordance with Rabbi Yehuda (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 2:1).

The verse taught that the prohibitions of a nazirite combine with each other – לִימֵּד עַל אִיסּוּרֵי נָזִיר שֶׁמִּצְטָרְפִים זֶה עִם זֶה: All of the different types of grapes that are forbidden to a nazirite combine with each other to make up one measurement. For example, if a nazirite ate moist grapes with dried ones, unripe ones, grape seeds, or grape skins, and if he ate a total volume of an olive-bulk, he is liable to receive lashes. Similarly, if a nazirite drank a quarter-*log* of a mixture of wine and of vinegar made of wine, he receives lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:3).

BACKGROUND

A dried fig from Ke'ila – דְּבֵילָה קְעִילִית: This refers to dried figs from the town of Ke'ila in Judea. Apparently, the figs in this area contained a high level of sugar. Other places in the Talmud tell of how honey would drip from the figs and ferment, turning into alcohol.

Even without fermentation, ingesting a large amount of sugar can cause mild poisoning. This may be due to an inability of the liver to process a large amount of sugar fast enough. This causes feelings of nausea and dizziness similar to what one might feel after drinking hard liquor.

וּלְאַפּוֹקֵי מִדְּרַבִּי יְהוּדָה. דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: אָכַל דְּבֵילָה קְעִילִית, וְשָׁתָה דְּבַשׁ וְחָלָב, וְנִכְנַס לַמִּקְדָּשׁ – חַיָּיב.

And this is **to the exclusion of** the opinion **of Rabbi Yehuda, as it is taught** in a *baraita* that **Rabbi Yehuda says:** If one **ate a dried fig from Ke'ila,**[HB] **and** similarly if one **drank honey or** if one drank **milk,** which can dull the senses, **and entered the Temple, he is liable** for violating the prohibition against strong drink.

אִיבָּעֵית אֵימָא: רַבִּי שִׁמְעוֹן לֵית לֵיהּ אִיסּוּר חָל עַל אִיסּוּר.

The Gemara suggests a different reason for the inclusion of the term "strong drink," according to Rabbi Shimon. **If you wish, say** instead that it is necessary because **Rabbi Shimon does not** generally **accept** the principle that **a prohibition takes effect upon** a preexisting **prohibition.**[N]

דְּתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר: הָאוֹכֵל נְבֵילָה בְּיוֹם הַכִּפּוּרִים – פָּטוּר.

As it is taught in a *baraita* that **Rabbi Shimon says: One who eats an animal carcass**[N] **on Yom Kippur is exempt** from the punishment of *karet* for eating on Yom Kippur. It is prohibited to eat an animal carcass, and therefore the additional prohibition against eating on Yom Kippur does not take effect with regard to it. The inclusion of the term "strong drink" alludes to the fact that with regard to naziriteship, a second prohibition does take effect. Consequently, if one took an oath not to drink wine and afterward vowed to be a nazirite, both prohibitions apply.

וּלְרַבָּנַן נַמִּי, הָכְתִיב ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״! אָמְרִי לָךְ רַבָּנַן: הָתָם לִימֵּד עַל אִיסּוּרֵי נָזִיר שֶׁמִּצְטָרְפִים זֶה עִם זֶה.

The Gemara asks: **And also** according to **the Rabbis, isn't it written: "Anything that is made of the grapevine"** (Numbers 6:4), which seems to indicate, as stated by Rabbi Shimon, that one becomes a nazirite only if he vows to accept all the prohibitions of a nazirite? The Gemara answers: **The Rabbis** could have **said to you: There** the verse **taught** that **the prohibitions of a nazirite combine with each other.**[H] In other words, if a nazirite eats less than an olive-bulk of both grape skins and grape seeds, but together they amount to an olive-bulk, he receives lashes for transgressing a Torah prohibition.

וְרַבִּי שִׁמְעוֹן לֵית לֵיהּ צִירוּף. דְּתַנְיָא, רַבִּי שִׁמְעוֹן אוֹמֵר: כָּל שֶׁהוּ לְמַכּוֹת, לֹא אָמְרוּ כַּזַּיִת אֶלָּא לְעִנְיַן קָרְבָּן.

The Gemara explains: **And Rabbi Shimon** does not interpret the verse in this manner because **he does not hold** that there is a need for the **combination** of quantities of different foods in order to render one liable to receive lashes, **as it is taught** in a *baraita* that **Rabbi Shimon says:** Even **the smallest quantity** of forbidden food is sufficient to render one liable **to** receive **lashes.** The Sages **stated** the measurement of **an olive-bulk only with regard to** the obligation to bring **an offering.** Consequently, in the case of a nazirite, who is not obligated to bring a sin-offering if he inadvertently eats grape products, there is no need for a special verse to teach that the different foods add up to the measurement of an olive-bulk. Therefore, the purpose of the verse must be to teach about the nature of a nazirite vow.

NOTES

Does not generally accept the principle that a prohibition takes effect upon a preexisting prohibition – לֵית לֵיהּ אִיסּוּר חָל עַל אִיסּוּר: The commentaries struggle to account for the relevance of this principle to the discussion. The Rid even concludes that the text of this entire section has been corrupted.

It is explained in the Commentary on *Nazir* that the discussion in the Gemara is referring to Rabbi Shimon's opinion in the mishna. The Gemara is explaining that once one is prohibited by a vow from eating grape seeds, then a nazirite vow, which also prohibits him from eating such seeds, cannot take effect.

Tosafot maintain that the Gemara is offering an alternative explanation as to what Rabbi Shimon learns from the term "strong drink." According to this explanation, although Rabbi Shimon generally holds that a prohibition does not take effect where another prohibition already exists, the extra term in the verse indicates that naziriteship is an exception to this principle. Consequently, if one took an oath not to drink wine, and then took a nazirite vow, and then drank wine, he is punished with lashes twice (Rabbeinu Peretz and Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

The Rosh attributes an opposing explanation to Rabbeinu Tam: Rabbi Shimon learns from the term "strong drink" that if a nazirite drinks wine on Yom Kippur he is liable only for transgressing his vow of naziriteship but not for eating on Yom Kippur. This serves as the source for Rabbi Shimon's opinion that one prohibition does not take effect when there is a preexisting prohibition.

One who eats an animal carcass, etc. – הָאוֹכֵל נְבֵילָה וכו': The commentaries explain that this *halakha* applies only if the animal died before Yom Kippur, in which case the prohibition against eating an animal carcass took effect before the prohibition of eating on Yom Kippur took effect. If, however, it died on Yom Kippur itself, then he is liable for eating on Yom Kippur (*Shita Mekubbetzet*).

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מתני׳ ״הֲרֵינִי כְּשִׁמְשׁוֹן״ ״כְּבֶן מָנוֹחַ״. ״כְּבַעַל דְּלִילָה״ ״כְּמִי שֶׁעָקַר דַּלְתוֹת עַזָּה״ ״כְּמִי שֶׁנִּקְּרוּ פְּלִשְׁתִּים אֶת עֵינָיו״ – הֲרֵי זֶה נְזִיר שִׁמְשׁוֹן.

MISHNA If one said: **I am hereby like Samson,**[H] **like the son of Manoah, like the husband of Delilah, like the one who tore off**[N] **the doors of Gaza, like the one whose eyes were gouged out by the Philistines, he is a nazirite** like **Samson,** whose *halakhot* are explained in the next mishna (see Judges, chapters 13–16).

גמ׳ לָמָּה לִי לְמֵיתְנָא כָּל הָנֵי? צְרִיכִי; דְּאִי אֲמַר ״הֲרֵינִי כְּשִׁמְשׁוֹן״ – הֲוָה אָמִינָא שִׁמְשׁוֹן אַחֲרִינָא, קָא מַשְׁמַע לָן ״כְּבֶן מָנוֹחַ״.

GEMARA The Gemara asks: **Why do I** need the *tanna* **to teach all these** cases? It should be enough to state only the *halakha* where one says: Like Samson. The Gemara answers: These specifications **are necessary because if one said** only: **I am hereby like Samson,**[N] **I would say** he was referring to **another Samson,** and this is not a nazirite vow. The *tanna* therefore **teaches us** that he adds: **Like the son of Manoah,** which shows he is referring to the biblical Samson.

וְאִי תְּנָא ״כְּבֶן מָנוֹחַ״ – הֲוָה אָמִינָא: אִיכָּא דְּמִיתְקְרֵי הָכִי, קָא מַשְׁמַע לָן ״כְּבַעַל דְּלִילָה״ וּ״כְּמִי שֶׁנִּקְּרוּ פְּלִשְׁתִּים אֶת עֵינָיו״.

And if the *tanna* had **taught** that he said he would be: **Like the son of Manoah, I would say there is** some person **who is called that** name, Samson, son of Manoah, and this is not a reference to the biblical Samson and is not an acceptance of naziriteship. The *tanna* therefore **teaches us** that he adds: **Like the husband of Delilah,** or: Like the one who tore off the doors of Gaza, **or: Like the one whose eyes were gouged out by the Philistines.** It is therefore clear that he is referring to the biblical figure and that his statement is a vow of naziriteship.

מתני׳ מַה בֵּין נְזִיר עוֹלָם לִנְזִיר שִׁמְשׁוֹן? נְזִיר עוֹלָם – הִכְבִּיד שְׂעָרוֹ מֵיקֵל בְּתַעַר, וּמֵבִיא שָׁלֹשׁ בְּהֵמוֹת, וְאִם נִטְמָא – מֵבִיא קָרְבַּן טוּמְאָה.

MISHNA **What is** the difference **between a permanent nazirite**[N] **and a nazirite** like **Samson,** both of whom remain nazirites forever? In the case of **a permanent nazirite,**[H] if **his hair grows** too **heavy** for him, **he lightens** it by cutting some hair **with a razor,**[N] **and he** then **brings three animals**[N] as a sin-offering, a burnt-offering, and a peace-offering, like one who completes his term of naziriteship. **And if he becomes ritually impure, he brings** the **offering** for **impurity** brought by a regular nazirite who became impure.

נְזִיר שִׁמְשׁוֹן – הִכְבִּיד שְׂעָרוֹ אֵינוֹ מֵיקֵל, וְאִם נִטְמָא – אֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה.

By contrast, in the case of **a nazirite** like **Samson,** if **his hair grows heavy he may not lighten** it, since he is entirely prohibited from cutting his hair. **And if he becomes impure, he does not bring an offering** for **impurity.**

HALAKHA

I am hereby like Samson, etc. – הֲרֵינִי כְּשִׁמְשׁוֹן וכו׳: If one says: I am hereby a nazirite like Samson, or: I am like Delilah's husband, or: I am like the son of Manoah, or: I am like the one who tore the doors off Gaza, or: I am like the one whose eyes were gouged out by the Philistines, he is a nazirite. Some authorities (Commentary on *Nazir*; *Tosafot*; *Likkutei Halakhot*) claim that one becomes a nazirite only if he said: I am like Samson, or: I am like Samson ben Manoah, and added a modifier, for example: Like the one who tore the doors off Gaza (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:15).

Permanent nazirite – נְזִיר עוֹלָם: One who vowed to be a permanent nazirite may shave his hair once every twelve months if his hair gets too heavy. He then brings three animals as offerings. If he becomes impure he must bring an offering for his impurity and shave his head like a regular nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:12).

NOTES

Like the one who tore off – כְּמִי שֶׁעָקַר: *Tosafot* explain that one who says that he will be like Samson or like the son of Manoah must add an additional identifying feature in order to clarify that he is referring to the Samson of the Bible, such as: The husband of Delilah, or: The one who tore off the doors of Gaza, or: The one whose eyes were gouged out by the Philistines. Rabbeinu Tam slightly emended the text of the mishna to reflect this point.

Because if one said only: I am hereby like Samson – דְּאִי אֲמַר הֲרֵינִי כְּשִׁמְשׁוֹן: This indicates that one who says: I am like Samson, or even: I am like Samson, son of Manoah, without further specification, is not a nazirite unless he identified the biblical figure beyond any possible doubt. One doesn't have to mention all the examples listed in the mishna; any one of them suffices (Commentary on *Nazir*; Rabbeinu Tam).

According to the Rid, if one simply said: I am like Samson, he is a nazirite like Samson. However, if he then explains that he had another Samson in mind, the court cannot compel him to adhere to the *halakhot* of a nazirite, whereas if he clearly identified the Samson of the Bible, then he is definitely a nazirite. The Rambam's ruling indicates a similar understanding. By contrast, the Meiri slightly adjusts the text of the Gemara and explains that anyone who intended to become a nazirite and employed any one of the terms mentioned in the mishna has thereby taken a nazirite vow. This opinion is supported by the Jerusalem Talmud, where it is explained that not only does the explicit mention of Samson [*Shimshon*] entail naziriteship, but the same is true even of substitute languages of his name, e.g., *Shimshor* and *Shimshutz*.

What is the difference between a permanent nazirite, etc. – מַה בֵּין נְזִיר עוֹלָם וכו׳: The early commentaries point out that the *tanna* could have added another difference, i.e., that a vow of a nazirite like Samson cannot be dissolved, as explained below (14a). *Tosafot* explain that the *tanna* did not mention this difference because he was dealing with differences that apply specifically to nazirites, and a nazirite whose vow has been dissolved is not a nazirite (see Rabbeinu Todros, cited in *Shita Mekubbetzet*).

He lightens it by cutting some hair with a razor – מֵיקֵל בְּתַעַר: Some commentaries explain that a permanent nazirite may trim his hair but may not completely shave it off. Their proof is the fact that Absalom, who is the paradigm of a permanent nazirite, was hung by his hair. This shows that his hair was not shaved off (*Tosafot*; *Shita Mekubbetzet*; Meiri). The Meiri adds that he may use only a razor but not scissors, so that he cuts it in an unusual manner. However, Rabbeinu Todros, cited in the *Shita Mekubbetzet*, says, citing Rabbi Eliezer of Metz that he may even shave his hair entirely, and the Rambam seems to agree. Needless to say, he must be careful not to transgress the prohibition against rounding off the corners of the head. Some commentaries hold that he may trim his hair once every thirty days (Commentary on *Nazir*), but the Rambam rules that he may do so only once every twelve months.

And he then brings three animals – וּמֵבִיא שָׁלֹשׁ בְּהֵמוֹת: *Tosafot* explain that a support for this *halakha* can be seen in the case of Absalom, as it is written that Absalom said that he was going to Hebron to "pay my vow" (II Samuel 15:7), which implies the sacrifice of offerings. However, the *halakha* itself was transmitted to Moses from Sinai. Other commentaries write that this *halakha* cannot be derived from Absalom, since the verses can be explained in a manner that has no connection to naziriteship.

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BACKGROUND

The mishna is incomplete and is teaching the following – חַסּוּרֵי מִיחַסְּרָא וְהָכִי קָתָנֵי: This phrase, which appears extensively in the Gemara, does not indicate a proposal to emend the text of the mishna. Rather, the addition mentioned in the Gemara is an elaboration upon that which is written in the mishna, which is unclear as written. The addition facilitates understanding of the mishna.

NOTES

One who says: I am hereby a permanent nazirite – הָאוֹמֵר הֲרֵינִי נְזִיר עוֹלָם: Some commentaries add that one is also a permanent nazirite if he says that he will be like Absalom, son of David. The Gemara does not mention this case because not everyone knows that Absalom was a permanent nazirite, whereas Samson is famous for his naziriteship (Rabbeinu Azriel, cited in *Shita Mekubbetzet*; see Meiri).

גמ׳ נְזִיר עוֹלָם מַאן דְּכַר שְׁמֵיהּ? חַסּוּרֵי מִיחַסְּרָא, וְהָכִי קָתָנֵי: הָאוֹמֵר ״הֲרֵינִי נְזִיר עוֹלָם״ – הֲרֵי זֶה נָזִיר. מַה בֵּין נְזִיר עוֹלָם לִנְזִיר שִׁמְשׁוֹן? נְזִיר עוֹלָם – הִכְבִּיד שְׂעָרוֹ מֵיקַל בְּתַעַר, וּמֵבִיא שָׁלֹשׁ בְּהֵמוֹת, וְאִם נִטְמָא – מֵבִיא קָרְבַּן טוּמְאָה. נְזִיר שִׁמְשׁוֹן – הִכְבִּיד שְׂעָרוֹ אֵינוֹ מֵיקַל בְּתַעַר,

GEMARA The Gemara asks: **Who mentioned anything about a permanent nazirite?** Since the mishna has not yet mentioned this concept, how can it analyze the differences between it and a nazirite like Samson? The Gemara answers: The mishna **is incomplete and is teaching the following:**[B] In the case of **one who says: I am hereby a permanent nazirite,**[N] **he is** a permanent **nazirite. What is** the difference **between a permanent nazirite and a nazirite** like **Samson?** In the case of **a permanent nazirite,** if **his hair grows** too **heavy** for him, **he lightens** it **with a razor and he** then **brings three animals** for offerings. **And if he becomes ritually impure, he brings** the **offering** for **impurity.** In the case of **a nazirite** like **Samson,** if **his hair grows heavy he may not lighten** it **with a razor,**

Perek **I**
Daf **4** Amud **b**

NOTES

The prohibitions of naziriteship apply – נְזִירוּת חָיְילָא: A similar question appears in the parallel discussion in the Jerusalem Talmud. The Gemara there infers from the mishna that although a nazirite like Samson does not have to bring an offering if he becomes impure from a corpse, he is liable to receive lashes.

HALAKHA

A nazirite like Samson is permitted to become impure from a corpse – נְזִיר שִׁמְשׁוֹן מוּתָּר לִיטָּמֵא לַמֵּתִים: It is prohibited for a nazirite like Samson to drink wine and to cut his hair, but he may become impure from a corpse. This *halakha* is learned by tradition, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:13).

וְאֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה.

but he does not bring the **offering** for **impurity.**

קָרְבָּן הוּא דְּלָא מַיְיתֵי, אֲבָל נְזִירוּת – חָיְילָא עֲלֵיהּ.

The Gemara comments: From the words: But if he becomes impure he does not bring an offering for impurity, one can infer that **it is the offering that he does not bring. However,** all of the prohibitions of **naziriteship apply**[N] **to him,** and it is prohibited for him to become impure from a corpse.

מַנִּי מַתְנִיתִין? לָא רַבִּי יְהוּדָה, וְלָא רַבִּי שִׁמְעוֹן. דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: נְזִיר שִׁמְשׁוֹן מוּתָּר לִיטָּמֵא לַמֵּתִים, שֶׁכֵּן מָצִינוּ בְּשִׁמְשׁוֹן שֶׁנִּטְמָא. רַבִּי שִׁמְעוֹן אוֹמֵר: הָאוֹמֵר ״נְזִיר שִׁמְשׁוֹן״ – לֹא אָמַר כְּלוּם, שֶׁלֹּא מָצִינוּ בְּשִׁמְשׁוֹן שֶׁיָּצְאת נְזִירוּת מִפִּיו.

This leads to the following question: **Whose** opinion is expressed in **the mishna?** It is **not** the opinion of **Rabbi Yehuda and not** the opinion of **Rabbi Shimon, as it is taught** in a *baraita*: **Rabbi Yehuda says: A nazirite** like **Samson is permitted to become impure from a corpse**[H] *ab initio*, **as we find with Samson that he became impure. Rabbi Shimon says: One who says** he will be **a nazirite** like **Samson has not said anything, since we do not find with Samson that** an utterance of a vow of **naziriteship left his mouth.** Samson never took a vow to be a nazirite. He received his status from the angel's instructions to his mother (see Judges 13:5). Consequently, Rabbi Shimon holds that one who vows to be a nazirite like Samson is not considered to have taken a nazirite vow.

מַנִּי? אִי רַבִּי יְהוּדָה – הָאֲמַר אֲפִילּוּ לְכַתְּחִילָּה, וּמַתְנִיתִין קָתָנֵי ״אִם נִטְמָא״. אִי רַבִּי שִׁמְעוֹן – הָאֲמַר לָא חָיְילָא עֲלֵיהּ נְזִירוּת כְּלָל!

The Gemara explains the question: **Whose** opinion is expressed in the mishna? **If** it is the opinion of **Rabbi Yehuda, didn't he say** that it is permitted for a nazirite of this kind to become impure from a corpse **even *ab initio*, but the mishna teaches: If he becomes impure,** which indicates that he is prohibited from doing so *ab initio*? However, **if** you say that the mishna is according to the opinion of **Rabbi Shimon, didn't he say** that **naziriteship does not apply to him at all?**

לְעוֹלָם רַבִּי יְהוּדָה הִיא, וְאַיְידֵי דְּקָתָנֵי גַּבֵּי נְזִיר עוֹלָם ״אִם נִטְמָא״ – תְּנָא נַמִּי גַּבֵּי נְזִיר שִׁמְשׁוֹן ״אִם נִטְמָא״.

The Gemara answers: **Actually,** the mishna **is** in accordance with the opinion of **Rabbi Yehuda,** and a nazirite like Samson may become impure from a corpse even *ab initio*. **And since it teaches with regard to a permanent nazirite: If he becomes impure,** as it is prohibited for a permanent nazirite to become impure from a corpse *ab initio*, the *tanna* **also taught** the same expression **with regard to a nazirite** like **Samson** and used the expression: **If he becomes impure.**

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לֵימָא בִּפְלוּגְתָּא דְּהָנֵי תַּנָּאֵי קָמִיפַלְגִי, דִּתְנַן: ״הֲרֵי עָלַי כִּבְכוֹר״. רַבִּי יַעֲקֹב אוֹסֵר וְרַבִּי יוֹסֵי מַתִּיר.

§ The Gemara suggests: **Let us say that** Rabbi Yehuda and Rabbi Shimon **disagree with regard to** the issue that is the subject of **the dispute between these *tanna'im*, as we learned** in a *baraita*: If one says: This object **is hereby** forbidden **to me like a firstborn,**[HB] **Rabbi Ya'akov prohibits** the individual from deriving benefit from the object, as he holds that a vow of this sort is valid. **And Rabbi Yosei permits** it, because the sanctity of a firstborn is not the result of a vow or sanctification. Rather, it is sacred of its own accord, and therefore its forbidden status cannot be extended by means of a vow to other items.

מַאי לָאו, רַבִּי יְהוּדָה סָבַר לָהּ כְּרַבִּי יַעֲקֹב, דְּאָמַר: לָא בָּעֵינַן דָּבָר הַנִּידָּר, וְרַבִּי שִׁמְעוֹן סָבַר לָהּ כְּרַבִּי יוֹסֵי, דְּאָמַר: בָּעֵינַן דָּבָר הַנִּידָּר?

What, is it not the case that **Rabbi Yehuda holds in accordance with** the opinion of **Rabbi Ya'akov, who said** that in order for a vow to take effect, **we do not require** one to extend the forbidden status of **an item** rendered forbidden by means of **a vow?** Consequently, just as one can render an object forbidden by extending to it the sanctity of a firstborn animal, one can become a nazirite by accepting upon himself the status of Samson, whose prohibitions were not established by a vow. **And Rabbi Shimon holds in accordance with** the opinion of **Rabbi Yosei, who said** that in order for a vow to take effect, **we do require** one to extend the forbidden status of **an item** rendered forbidden by means of **a vow.** Consequently, one cannot become a nazirite by accepting upon himself the status of Samson.

לָא, דְּכוּלֵי עָלְמָא בָּעֵינַן דָּבָר הַנִּידָּר, וְשָׁאנֵי גַּבֵּי בְּכוֹר דִּכְתִיב בֵּיהּ ״לַה׳״ לְרַבּוֹת אֶת הַבְּכוֹר.

The Gemara responds: **No,** it can be explained **that everyone** agrees[N] that **we require** one to extend the forbidden status of **an item** rendered forbidden by means of **a vow.**[H] **And** according to Rabbi Ya'akov, the *halakha* **is different with regard to a firstborn, as it is written about** this in the verse pertaining to vows: "When a man vows a vow **to the Lord"** (Numbers 30:3). This comes **to include the firstborn** and teach that since the firstborn is consecrated, its status is comparable to animals designated as offerings by means of a vow, and one can extend its forbidden status to another item.

וְרַבִּי יוֹסֵי אָמַר לָךְ: הַהוּא ״לַה׳״ מִיבָּעֵי לֵיהּ לְרַבּוֹת חַטָּאת וְאָשָׁם.

And Rabbi Yosei could have **said to you** in response that **he needs that** expression: **"To the Lord," to include a sin-offering and a guilt-offering.** One may not obligate himself to bring these offerings by means of a vow. They are brought only when one becomes liable due to a transgression. Nevertheless, one can take a vow by extending to another item the forbidden status of a sin-offering or guilt-offering.

וּמָה רָאִיתָ לְרַבּוֹת חַטָּאת וְאָשָׁם וּלְהוֹצִיא אֶת הַבְּכוֹר? מֻרְבֶּה אֲנִי חַטָּאת וְאָשָׁם – שֶׁכֵּן מַתְפִּיסָן בְּנֶדֶר, וּמוֹצִיא אֲנִי אֶת הַבְּכוֹר, שֶׁאֵין מַתְפִּיסוֹ בְּנֶדֶר.

The Gemara questions Rabbi Yosei's explanation: **And what did you see** that indicated to you **to include a sin-offering and a guilt-offering and to exclude a firstborn?** The Gemara answers: **I include a sin-offering and a guilt-offering,**[H] **as one grants** consecrated status to the animals designated for these offerings **by** means of **a vow,** i.e., the act of designating specific animals for these offerings is comparable to taking a vow. **And I exclude a firstborn, as one does not grant it** consecrated status **by** means of **a vow.**

וְרַבִּי יַעֲקֹב אָמַר לָךְ: בְּכוֹר נַמִּי מַתְפִּיסוֹ בְּנֶדֶר הוּא. דְּתַנְיָא: שֶׁל בֵּית רַבֵּינוּ אָמְרוּ: מִנַּיִן לְנוֹלָד לוֹ בְּכוֹר בְּתוֹךְ עֶדְרוֹ שֶׁמִּצְוָה עָלָיו לְהַקְדִּישׁוֹ – שֶׁנֶּאֱמַר ״הַזָּכָר תַּקְדִּישׁ״.

And Rabbi Ya'akov could have **said to you** in response: **Also** in the case of **a firstborn, one grants it** consecrated status **by** means of **a vow, as it is taught** in a *baraita*: The Sages **of the house of our Rabbi,** i.e., Rabbi Yehuda HaNasi, **said: From where** is it derived **that** when **a firstborn** male animal **is born in one's herd,**[H] there is **a mitzva for him to consecrate it,** although it is consecrated from the time it is born? **As it is stated:** "All firstborns **males** that are born to your herd and to your flock **you shall sanctify"** (Deuteronomy 15:19).

וְרַבִּי יוֹסֵי אָמַר לָךְ: נְהִי דְּמִצְוָה לְהַקְדִּישׁוֹ, אִי לָא מַקְדִּישׁ לֵיהּ, מִי לָא קָדוֹשׁ?

And Rabbi Yosei could have **said to you** in response: **Granted that** there is **a mitzva to consecrate it.** But **if he does not consecrate it, is it not consecrated** of its own accord? Since a firstborn is forbidden principally because of its inherent sanctity and not because of a vow, one cannot express a vow by extending a firstborn's forbidden status to another item.

HALAKHA

This object is hereby prohibited to me like a firstborn – הֲרֵי עָלַי כִּבְכוֹר: If one declares an object forbidden to himself like a firstborn animal, it is permitted for him to use the object. The forbidden status of a firstborn cannot be extended to other items because its forbidden status is not initiated by man. This is consistent with the principle that the *halakha* is in accordance with Rabbi Yosei's opinion when he disagrees with a colleague (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:13).

We require one to extend the forbidden status of an item rendered forbidden by a vow – בָּעֵינַן דָּבָר הַנִּידָּר: The basic vow stated in the Torah refers to a statement through which one renders an item forbidden to himself by extending to it the forbidden status of another item that is already forbidden by a vow. An example is in the case of one who says: This is forbidden to me like an offering, as the process of consecrating an animal as an offering is a type of vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:9; *Shulḥan Arukh*, *Yoreh De'a* 204:1–2).

I include a sin-offering and a guilt-offering – מֻרְבֶּה אֲנִי חַטָּאת וְאָשָׁם: If one says: This food is like a sin-offering to me, or: This food is like a guilt-offering to me, the food is forbidden to him. A sin-offering and guilt-offering are comparable to items forbidden by a vow. Although one cannot voluntarily vow to bring these offerings, he can render himself liable to bring them by vowing to be a nazirite. All the more so can one can take a vow by extending the forbidden status of other offerings, such as a burnt-offering or a peace-offering, which one can volunteer to bring via a vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:10).

When a firstborn animal is born in one's herd, etc. – לְנוֹלָד לוֹ בְּכוֹר בְּתוֹךְ עֶדְרוֹ וכו': It is a mitzva to pronounce one's firstborn kosher animal to be consecrated, in accordance with the opinion of Rabbi Yehuda HaNasi. However, if one failed to consecrate his firstborn animal, it is consecrated automatically (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 1:4; *Shulḥan Arukh*, *Yoreh De'a* 306:1).

BACKGROUND

Firstborn – בְּכוֹר: The firstborn male offspring of a cow, sheep, or goat belonging to a Jew is consecrated from birth. It must be given to a priest to be sacrificed on the altar in the Temple, and its meat is then eaten by the priests and their families (Numbers 18:17–18). If a firstborn animal develops a physical blemish that disqualified it from being sacrificed as an offering, it may be slaughtered and eaten like any other non-sacred kosher animal. Nevertheless, it still has to be given to a priest.

It is prohibited to intentionally inflict a disqualifying blemish on a firstborn animal, and it may not be used for any mundane purpose even if it is blemished. It is prohibited to work the animal, and its fleece may not be used. Since the destruction of the Second Temple, a firstborn animal continues to be considered consecrated. However, since it cannot be sacrificed in the Temple and it may be slaughtered only if it has a marked disqualifying blemish, various halakhic devices are employed to restrict the classification of animals as firstborn and to permit their slaughter as non-sacred animals after they acquire disqualifying blemishes.

NOTES

That everyone agrees, etc. – דְּכוּלֵי עָלְמָא וכו': Two explanations of this passage are offered by the Meiri. According to one opinion, the term everyone includes all the Sages mentioned in this passage, i.e., Rabbi Yehuda, Rabbi Shimon, Rabbi Ya'akov, and Rabbi Yosei. This assumes that Samson is considered to have been rendered a nazirite through a vow (*Tosafot*; Rabbeinu Peretz; Rosh; Rabbeinu Azriel, cited in *Shita Mekubbetzet*). Alternatively, everyone includes only Rabbi Ya'akov and Rabbi Yosei. However, Rabbi Yehuda, who argues that a vow takes effect if one declares that he will be a nazirite like Samson, holds that one can extend the forbidden status of an item whose own forbidden status was not caused by a vow (*Shita Mekubbetzet*).

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גַּבֵּי נָזִיר נַמִּי, דְּכְתִיב ״לַה׳״.

The Gemara asks: Both Rabbi Ya'akov and Rabbi Yosei agree that the phrase "to the Lord" indicates that one can take a vow by associating the object of his vow with an item whose prohibition does not stem from a vow. **With regard to a nazirite as well,**[N] **isn't it written:** "Shall clearly utter a vow, the vow of a nazirite, to consecrate himself **to the Lord"** (Numbers 6:2)? Why doesn't Rabbi Shimon derive from this verse that one can become a nazirite by accepting the naziriteship of Samson, despite the fact that Samson did not accept his naziriteship by means of a vow?

הַהוּא מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא: אָמַר שִׁמְעוֹן הַצַּדִּיק: מִיָּמַי לֹא אָכַלְתִּי אֲשָׁם נָזִיר טָמֵא, חוּץ מֵאָדָם אֶחָד שֶׁבָּא אֵלַי מִן הַדָּרוֹם, יְפֵה עֵינַיִם וְטוֹב רוֹאִי, וְקִווּצוֹתָיו סְדוּרוֹת לוֹ תַּלְתֻּלִים. אָמַרְתִּי לוֹ: בְּנִי, מָה רָאִיתָ לְשַׁחֵת שֵׂעָר נָאֶה זֶה?

The Gemara answers: **That** phrase **is required by him for that which is taught** in a *baraita*: **Shimon HaTzaddik**[P] **said: In** all **my days** as a priest, **I never ate the guilt-offering of a ritually impure nazirite,**[N] **apart from** the offering of **one man who came to me from the South,**[B] who had **beautiful eyes and a fine countenance, and his locks were arranged in curls. I said to him: My son, what did you see** to become a nazirite, which would force you **to destroy this beautiful hair,** as a nazirite must cut off all his hair at the conclusion of his term?

אָמַר לִי: רוֹעֶה הָיִיתִי לַאֲבִי בְּעִירִי, וְהָלַכְתִּי לִשְׁאוֹב מַיִם מִן הַמַּעְיָן, וְנִסְתַּכַּלְתִּי בְּבָבוּאָה שֶׁלִּי, וּפָחַז יִצְרִי עָלַי וּבִיקֵּשׁ לְטוֹרְדֵנִי מִן הָעוֹלָם. אָמַרְתִּי לוֹ: רֵיקָה. מִפְּנֵי מָה אַתָּה מִתְגָּאֶה בְּעוֹלָם שֶׁאֵינוֹ שֶׁלְּךָ, שֶׁסּוֹפְךָ לִהְיוֹת רִמָּה וְתוֹלֵעָה? הָעֲבוֹדָה שֶׁאַגְלַחְךָ לַשָּׁמַיִם.

He said to me: I was a shepherd for my father in my town, and I went to draw water from the spring, and I looked at my reflection in the water. **And my** evil **inclination quickly** rose **against me and sought to drive me**[N] **from the world. I said to** my evil inclination: **Empty one! For what** reason **are you proud in a world that is not yours, as your end is to be maggots and worms** when you die. I swear by **the** Temple **service that I will** become a nazirite and **shave you for** the sake of **Heaven.**

עָמַדְתִּי וְנִשַּׁקְתִּיו עַל רֹאשׁוֹ. אָמַרְתִּי לוֹ: כְּמוֹתְךָ יִרְבּוּ נְזִירִים בְּיִשְׂרָאֵל, עָלֶיךָ הַכָּתוּב אוֹמֵר: ״אִישׁ...כִּי יַפְלִא לִנְדֹּר נֶדֶר נָזִיר לְהַזִּיר לַה׳״.

Shimon HaTzaddik relates: When I heard his response, **I arose and kissed him on his head,** and **said to him: May there be more nazirites like you in Israel,**[H] whose intentions are noble, and who would not regret their vow of naziriteship even if they became impure. **With regard to you the verse states: "When** either **a man** or a woman **shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord"** (Numbers 6:2). The verse speaks of a vow that is not undertaken out of anger or spite, but purely for the sake of God. The phrase "to the Lord" in this context means: For the sake of Heaven. It cannot be used to teach that if one declares his intention to become a nazirite like Samson, his statement constitutes a nazirite vow.

וְשִׁמְשׁוֹן לָאו נָזִיר הֲוָה? וְהָכְתִיב ״כִּי נְזִיר אֱלֹהִים יִהְיֶה הַנַּעַר מִן הַבָּטֶן״! הָתָם מַלְאָךְ הוּא דְּקָאָמַר.

The Gemara challenges the assumption that Samson's naziriteship was not accepted through a vow: **And was Samson not a nazirite**[N] whose naziriteship was accepted by a vow? **Isn't it written: "For the child shall be a nazirite**[N] **of God from the womb"** (Judges 13:5)? The Gemara answers: **There it was the angel who spoke.** Samson's nazirite status did not stem from a vow uttered by a human being.

NOTES

With regard to a nazirite as well, etc. – גַּבֵּי נָזִיר נַמִּי וכו': The Gemara's question is as follows: Since the verse states "to the Lord," why is it necessary for one to extend the forbidden status of an item forbidden by a vow (Commentary on *Nazir*)? According to this opinion, the Gemara's question applies to both Rabbi Ya'akov and Rabbi Yosei. *Tosafot* explain that the question is referring to Rabbi Ya'akov's opinion, and just as he holds that the phrase "to the Lord," written with regard to a regular vow, includes a firstborn, here too, it should include a nazirite like Samson with regard to naziriteship.

I never ate the guilt-offering of a ritually impure nazirite – לֹא אָכַלְתִּי אֲשָׁם נָזִיר טָמֵא: The reason for this policy was that he was concerned that many people who took nazirite vows did so impetuously. In the case of one who became impure and would therefore have to start his term of naziriteship from the beginning, there was even greater concern that he would regret his initial vow. Since regret can serve as a basis for nullifying a vow, Shimon HaTzaddik considered the nazirite vow as though it were almost nullified, in which case the offering would be unnecessary and invalid.

And sought to drive me, etc. – וּבִיקֵּשׁ לְטוֹרְדֵנִי וכו': It is explained in the Meiri on tractate *Nedarim* (9b) that once the youth realized how beautiful he was, his evil inclination tempted him with lust for women. The explanation found in the *Arukh* is that the evil inclination tempted him to engage in homosexual relations. According to the Maharsha on tractate *Nedarim* (9b), when this person perceived his own beauty, he considered it beneath his dignity to continue working as a lowly shepherd, despite the fact that abandoning this work would cause dishonor to his parents. By contrast, some commentaries maintain that he was tempted to worship himself, as a form of idolatry (Rabbeinu Azriel and Ritz, cited in *Shita Mekubbetzet*).

And was Samson not a nazirite – וְשִׁמְשׁוֹן לָאו נָזִיר הֲוָה: In other words, although Samson himself did not take a nazirite vow, perhaps his father understood from the angel that he must declare his son a nazirite, as the Gemara (28b) explains that one can take a nazirite vow on behalf of his son (*Tosafot*). Alternately, perhaps Samson decided to accept his naziriteship upon himself in the form of a vow (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

For the child shall be a nazirite, etc. – כִּי נְזִיר אֱלֹהִים יִהְיֶה הַנַּעַר וכו': Some commentaries claim that Rabbeinu Azriel had a slightly different version of this text, in which the Gemara cites a verse spoken by Samson himself: "For I am a nazirite to God" (Judges 16:17). This indicates that he was a proper nazirite. These commentaries reject this explanation however, since here too, Samson is not uttering a vow but merely recounting what the angel said to his mother.

BACKGROUND

The South – הַדָּרוֹם: This is a reference to the southern part of Eretz Yisrael. In the time of Shimon HaTzaddik, when most of the Jewish population of Eretz Yisrael was in Judea, the South was a term for the southern part of that region, south of Hebron and adjacent to the northern border of Edom.

PERSONALITIES

Shimon HaTzaddik – שִׁמְעוֹן הַצַּדִּיק: Shimon HaTzaddik, or Shimon the righteous, is the first Sage mentioned in the chain of transmission in tractate *Avot* (1:2). He is described there as one of the remnants of the Great Assembly. According to Josephus, his full name was Shimon ben Ḥonyo ben Yadua. Based on the few mentions of him in the Talmud, it seems that he was the High Priest during the beginning of Greek rule in Eretz Yisrael and was the one who received Alexander of Macedon when he came to conquer Eretz Yisrael. Several tales are told about him in Josephus's *Antiquities*, and he is praised at the end of the book of Ben Sira. It is possible that ben Sira had contact with Shimon HaTzaddik. That book also describes how Shimon HaTzaddik came out of the Holy of Holies on Yom Kippur, a description later inserted into the liturgy of Yom Kippur. Ben Sira further relates how Shimon HaTzaddik rebuilt the ruins of Jerusalem and initiated the building of the walls of the Temple. He is lauded in the Jerusalem Talmud for his righteousness and piety, and the *Tosefta* (*Sota* 13:8) states that after him the priests in the Temple would no longer say God's ineffable name in the priestly blessing, since the Sages did not think that the people were worthy of it.

HALAKHA

May there be more nazirites like you in Israel, etc. – כְּמוֹתְךָ יִרְבּוּ נְזִירִים וכו': If one undertakes a vow in order to improve his character and correct his ways, it is considered praiseworthy. Examples of this include: A glutton who renders meat forbidden to him, a drunkard who takes a vow rendering wine forbidden to him, and one who is proud of his beauty and undertakes naziriteship. However, it is inadvisable to take many vows. It is preferable to improve one's character without the use of a vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:23–24; *Shulḥan Arukh*, *Yoreh De'a* 203:7).

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וּמְנָלַן דְּאִיטַמֵּי לַמֵּתִים? אִילֵּימָא מִדִּכְתִיב ״בִּלְחִי הַחֲמוֹר הִכֵּיתִי אֶלֶף אִישׁ״ – דִּילְמָא גָּרוּיֵי גָּרֵי בְּהוּ, וְלָא נָגַע בְּהוּ!

The Gemara asks: **And from where do we** derive **that** Samson **became impure from corpses? If we say** it is **from** the fact **that it is written:** "And Samson said: **With the jawbone of an ass,**[N] **I smote a thousand men"** (Judges 15:16), **perhaps he thrust** the jawbone **at them**[N] **but did not touch them,** and he remained pure.

אֶלָּא מֵהָכָא ״וַיַּךְ מֵהֶם שְׁלֹשִׁים אִישׁ וַיִּקַּח אֶת חֲלִיצוֹתָם״. דִּילְמָא אַשְׁלַחִינְהוּ בְּרִישָׁא וַהֲדַר קְטָלִינַן? ״וַיַּךְ...וַיִּקַּח״ כְּתִיב.

Rather, it is derived **from here: "And he smote thirty men of them, and took their garments"** (Judges 14:19). Since he stripped the clothes off the dead he must have come into contact with them. The Gemara counters: **Perhaps he stripped them first and afterward killed them.** The Gemara responds: **It is written: "And he smote…and took,"** in that order, indicating that first he killed them and then he took their clothing.

וְדִילְמָא גּוֹסְסִין שַׁוִּינַן! אֶלָּא, גְּמָרָא גְּמִירִי לָהּ.

The Gemara asks: **But perhaps** he mortally wounded them and thereby **caused them** to be in the process of **dying,**[N] and he then took their clothes before they died so that he would not touch their corpses. **Rather,** it must be concluded that **it is learned as a tradition**[N] that Samson would become impure from corpses.

וְנָזִיר עוֹלָם הֵיכָא כְּתִיב. דְּתַנְיָא, רַבִּי אוֹמֵר: אַבְשָׁלוֹם נְזִיר עוֹלָם הָיָה, שֶׁנֶּאֱמַר ״וַיְהִי מִקֵּץ אַרְבָּעִים שָׁנָה וַיֹּאמֶר אַבְשָׁלוֹם אֶל הַמֶּלֶךְ אֵלְכָה נָּא וַאֲשַׁלֵּם אֶת נִדְרִי אֲשֶׁר נָדַרְתִּי לַה׳ בְּחֶבְרוֹן״. וּמְגַלֵּח אֶחָד לִשְׁנֵים עָשָׂר חֹדֶשׁ – שֶׁנֶּאֱמַר ״וַיְהִי מִקֵּץ יָמִים לַיָּמִים״.

§ The Gemara clarifies a *halakha* taught in the mishna: **And where is** the concept of **a permanent nazirite written?**[N] **As it is taught** in a *baraita*: **Rabbi** Yehuda HaNasi **says: Absalom was a permanent nazirite, as it is stated: "And it came to pass at the end of forty years, that Absalom said to the king: I pray to you, let me go and pay my vow,**[N] **which I have vowed to the Lord, in Hebron"**[N] (II Samuel 15:7). **And he cut** his hair **once** every **twelve months, as it is stated:** "And when he polled his head, **now it was at every year's** [***yamim***] **end** that he polled it; because the hair was heavy on him" (II Samuel 14:26).

NOTES

With the jawbone of an ass, etc. – בִּלְחִי הַחֲמוֹר וכו׳: The Rosh explains that this suggestion can easily be countered by saying that since Samson acted in self-defense, as the Philistines came to kill him, he was certainly permitted to become impure. He explains that the Gemara raises this possibility only as an introduction to the second, more persuasive answer.

He thrust [*garuyei garei*] the jawbone at them – גָּרוּיֵי גָּרֵי בְּהוּ: Samson did not kill them through direct contact but by throwing the bone at each one like an arrow, as the Aramaic word for arrow, *geira*, is very similar to the phrase here, *garuyei garei* (*Tosafot*). Others, following an alternative version of the text, explain that he cut them with the jawbone (Commentary on *Nazir*) or he struck them with it but did not touch them (*Arukh*).

Caused them to be in the process of dying – גּוֹסְסִין שַׁוִּינַן: Even according to the opinion that it is prohibited for a nazirite to touch someone who is dying, it is possible to explain that the Gemara here does not mean that the Philistines were actually in the final stages of dying when Samson touched them. It is also possible to differentiate between someone who is dying at the hands of a man and someone who is dying from natural causes, and perhaps a nazirite is prohibited from touching only the latter (Rosh; see *Tosafot*).

It is learned as a tradition – גְּמָרָא גְּמִירִי לָהּ: *Tosafot* explain that it is a tradition that Samson actually killed the Philistines before removing their garments. Alternatively, the Maharatz Ḥayyut explains that there is a tradition that it was permitted for Samson to become impure from the dead. This is also implied by the Rambam.

And where is the concept of a permanent nazirite written – וְנָזִיר עוֹלָם הֵיכָא כְּתִיב: The basic concept of a permanent nazirite does not require a source. Just as one can undertake a vow of naziriteship for a particular length of time, he can vow to be a nazirite forever. Rather, the verses cited by the Gemara serve to teach the details of the *halakhot* of this type of nazirite. It is explained in the Commentary on *Nazir* that the Gemara is asking about the source for the *halakha* that a permanent nazirite can cut his hair and bring offerings even while he is a nazirite. According to Rabbeinu Peretz, the Gemara is discussing the fact that a permanent nazirite may shorten his hair. This is different from a regular nazirite, who may not cut his hair at all during the term of his naziriteship, and when his term is completed he must shave off all of his hair.

My vow – אֶת נִדְרִי: *Tosafot* explain that according to Rabbi Yehuda HaNasi, a generic vow refers to a nazirite vow, which is especially logical in light of the fact that Absalom grew his hair. Another explanation is that the Sages apparently had a tradition that this vow of Absalom's was that of a permanent nazirite (Meiri).

In Hebron – בְּחֶבְרוֹן: The plain meaning of the verse is that he went to Hebron to fulfill his vow. The Gemara (*Temura* 14b) asks how he could have gone to Hebron to bring offerings. The conclusion of the Gemara there is that this was during the period when it was permitted to bring offerings on private altars.

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HALAKHA

So too here, the term *yamim* means twelve months – **אַף כָּאן שְׁנֵים עָשָׂר חוֹדֶשׁ:** A permanent nazirite may trim his hair with a razor once every twelve months if it becomes too heavy for him, as derived from the case of Absalom (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:12).

NOTES

Once every thirty days – **אַחַת לִשְׁלֹשִׁים יוֹם:** Some explain that the dispute cited in the *baraita* pertains only to the conduct of Absalom. However, with regard to the *halakha* itself, they all agree that a permanent nazirite may cut his hair once a month (Commentary on *Nazir*). Others explain that it is unlikely that they would have argued only about the case of Absalom. Rather, the dispute pertains to the *halakhot* of a permanent nazirite in general, and the case of Absalom is cited only as evidence (*Mishne LaMelekh*). The statement of Rabbi Yehuda HaNasi in the Jerusalem Talmud seems to support this conclusion.

As we find that the sons of kings – **שֶׁכֵּן מָצִינוּ בִּבְנֵי מְלָכִים:** In other words, it is known that the custom of princes is to have their hair cut on a weekly basis. Rabbeinu Azriel, cited in *Shita Mekubbetzet*, points out that this is referring only to the king's sons, whereas the king himself cuts his hair every day. Other commentaries add that although the verse states that his hair was heavy for him, and hair does not grow that much in a week, since a prince is used to cutting his hair every week, if he were to fail to do so his hair would feel heavy to him.

BACKGROUND

Verbal analogy – **גְּזֵירָה שָׁוָה:** This is a fundamental talmudic principle of biblical interpretation, appearing in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah, and a certain *halakha* is explicitly stated in one of these places, it may be inferred on the basis of a verbal analogy that the same *halakha* must apply in the other case as well. Consequently, the inferences drawn on the basis of verbal analogy rely on verbal identity rather than on conceptual similarity. For example, the Torah states, concerning those convicted of certain types of sorcery: "Shall surely be put to death; they shall stone them with stones; their blood shall be upon them" (Leviticus 20:27). Since this verse uses the expression "their blood shall be upon them" when speaking of death by stoning, the Talmud infers by verbal analogy that in all cases where this expression is used, capital punishment is to be inflicted by stoning. Generally, inferences are drawn through verbal analogy only if the same word or phrase appears in both of the verses being compared, although a verbal analogy is occasionally drawn even if the words being compared are not identical, provided that their meanings are similar.

וְיָלִיף ״יָמִים״ ״יָמִים״ מִבָּתֵּי עָרֵי חוֹמָה, מָה הָתָם שְׁנֵים עָשָׂר חֹדֶשׁ – אַף כָּאן שְׁנֵים עָשָׂר חֹדֶשׁ.

And Rabbi Yehuda HaNasi **derives** the meaning of the term ***yamim*** stated with regard to Absalom based upon a verbal analogy from the word ***yamim*** that appears in the context **of houses of walled cities,** where it states: "For a full year [*yamim*] he shall have the right of redemption" (Leviticus 25:29). **Just as there,** in the case of walled cities, the term *yamim* means **twelve months,** as the verse states immediately afterward: "Within the space of a full year" (Leviticus 25:30), **so too here,** in the case of Absalom, the term *yamim* means **twelve months.**[H]

רַבִּי נְהוֹרַאי אוֹמֵר: מְגַלֵּחַ אַחַת לִשְׁלֹשִׁים יוֹם. רַבִּי יוֹסֵי אוֹמֵר: מְגַלֵּחַ מֵעֶרֶב שַׁבָּת לְעֶרֶב שַׁבָּת, שֶׁכֵּן מָצִינוּ בִּבְנֵי מְלָכִים שֶׁמְּגַלְּחִים מֵעֶרֶב שַׁבָּת לְעֶרֶב שַׁבָּת.

Rabbi Nehorai says: Absalom **cut** his hair **once** every **thirty days.**[N] **Rabbi Yosei says: He cut** his hair **from one Shabbat eve to** another **Shabbat eve, as we find that the sons of kings**[N] **cut** their hair **from one Shabbat eve to** another **Shabbat eve.**

מַאי טַעְמָא דְּרַבִּי – יָלִיף מִבָּתֵּי עָרֵי חוֹמָה, וְהָא רַבִּי הוּא דְּאָמַר: אֵין ״יָמִים״ פְּחוּתִין מִשְּׁנַיִם!

The Gemara asks: **What is the reasoning of Rabbi** Yehuda HaNasi? He **derives** the meaning of the verse concerning Absalom **from** the verse concerning **houses of walled cities. But isn't it Rabbi** Yehuda HaNasi himself **who said** that one may not redeem his house until it has been in the buyer's possession for at least two days, as the word ***yamim*** does **not** refer to **fewer than two** days? This demonstrates that Rabbi Yehuda HaNasi understands the word *yamim* in the case of walled city houses as referring to a period of two days rather than a year. How then can he employ a verbal analogy from houses of walled cities to derive that the word *yamim* in the case of Absalom indicates a period of twelve months?

הַאי גְּזֵירָה שָׁוָה מִשּׁוּם כּוֹבֶד גָּמִיר, וּבִשְׁנֵי יָמִים לֵיכָּא כּוֹבֶד.

The Gemara answers: **He learned this verbal analogy**[B] because the verse states that Absalom would trim his hair **due to** its **weight** (II Samuel 14:26), **and in two days there is no** significant **weight** added to the hair. Consequently, the term *yamim* cannot be understood to mean two days in the case of Absalom.

וְאֵימָא שְׁתֵּי שָׁנִים, דִּכְתִיב ״וַיְהִי מִקֵּץ שְׁנָתַיִם יָמִים״! דְּנִין ״יָמִים״ שֶׁאֵין עִמָּהֶן שָׁנִים מִ״יָמִים״ שֶׁאֵין עִמָּהֶן שָׁנִים, וְאַל יוֹכִיחַ זֶה שֶׁיֵּשׁ עִמּוֹ שָׁנִים.

The Gemara asks: **But say** that *yamim* means **two years, as it is written: "And it came to pass at the end of two years of days** [***yamim***]" (Genesis 41:1). The Gemara rejects this: **We derive** the meaning of the term ***yamim*** in a case **where it does not have** the term **years** mentioned **with it,** as in the case of Absalom, **from** another usage of the term ***yamim* that does not have** the term **years** mentioned **with it,** i.e., the verse about houses of walled cities. **And this** usage of the term *yamim* **that does have** the term **years** mentioned **with it will not prove** otherwise.

וְאֵימָא שְׁלֹשִׁים יוֹם, דִּכְתִיב ״עַד חֹדֶשׁ יָמִים״! דְּנִין ״יָמִים״ שֶׁאֵין עִמָּהֶם חֳדָשִׁים מִ״יָמִים״ שֶׁאֵין עִמָּהֶם חֳדָשִׁים, וְאַל יוֹכִיחַ זֶה שֶׁיֵּשׁ עִמּוֹ חֳדָשִׁים.

The Gemara asks: **But say** that *yamim* means **thirty days, as it is written: "But a month of days** [***yamim***]" (Numbers 11:20). The Gemara rejects this: **We derive** the meaning of the term ***yamim*** in a case **where it does not have** the term **months** mentioned **with it from** another usage of the term ***yamim* that does not have** the term **months** mentioned **with it. And this** usage of the term *yamim* **that does have** the term **months** mentioned **with it will not prove** otherwise.

וְאֵימָא מֵהָכָא ״מִיָּמִים יָמִימָה״ וגו'! דְּנִין ״יָמִים״ מִ״יָמִים״. וְאֵין דָּנִין ״יָמִים״ מִ״יָמִימָה״.

The Gemara asks: **But say** that Rabbi Yehuda HaNasi should have derived the meaning of the term *yamim* **from here:** "The daughters of Israel went **from time to time** [***yamim yamima***] to lament the daughter of Jephthah the Gileadite four days in a year" (Judges 11:40). This teaches that the daughters of Israel would go four times a year, each time for one day, to lament her, in which case *yamim yamima* means once every three months. The Gemara rejects this: **We derive** the meaning of the term ***yamim* from** another usage of the term ***yamim*, and we do not derive** the meaning of the term ***yamim* from** a case where the word *yamim* is used in conjunction with the term ***yamima*.**

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וּמַאי נָפְקָא מִינָּהּ? וְהָא תָּנָא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״וְשָׁב הַכֹּהֵן״, ״וּבָא הַכֹּהֵן״ – זוֹ הִיא שִׁיבָה זוֹ הִיא בִּיאָה!

The Gemara raises a difficulty: **And what is the difference** between *yamim* and *yamima*? **Didn't the school of Rabbi Yishmael teach** a verbal analogy with regard to leprosy of houses between the words **"and the priest shall return** [***veshav***]**"** (Leviticus 14:39) and the words **"and the priest shall come** [***uva***]**"** (Leviticus 14:44)? It is derived from this that just as **this is** the *halakha* with regard to **returning,** i.e., the priest returns after seven days, **this is** the *halakha* with regard to **coming,** which is also after seven days. Just as the Hebrew words *veshav* and *uva* can be used in a verbal analogy, certainly two words with a less pronounced variation, i.e., *yamim* and *yamima*, can be used to teach a verbal analogy.

הָנֵי מִילֵּי – הֵיכָא דְּלֵיכָּא דְּדָמֵי לֵיהּ, אֲבָל הֵיכָא דְּאִיכָּא דְּדָמֵי לֵיהּ – מִדְּדָמֵי לֵיהּ יָלְפִינַן.

The Gemara responds: **This applies** only **where there are no** terms **that are identical to it. However, where there are** terms **that are identical to it, we derive** the meaning of a term **from** the usage of terms **that are identical to it** rather than from the usage of terms that are merely similar.

אִיכָּא דְּאָמְרִי: מִנָּא יָדְעִינַן דְּכָל תִּלָּתָא יַרְחִין חַד זִימְנָא? דִּילְמָא אַרְבָּעָה זִימְנֵי בְּשַׁתָּא, (אִי נַמִי,) אַרְבָּעָה יַרְחִין חַד זִימְנָא, תְּרֵין יַרְחִין בְּחַד זִימְנָא.

Some say that the reason the *halakha* is not derived from *yamim yamima* is because the time period to which it refers is unclear: **From where do we know that** they would lament Jephthah's daughter **once every three months,** at fixed intervals? **Perhaps** they would lament her **four times a year,** in irregular intervals. **Alternatively,** it might have taken place in regular but uneven intervals, e.g., after **four months** they would visit **one time,**[N] and then after **two months** they would visit **one time,** and then they would visit again after a four-month interval and again after a two-month interval.

רַבִּי נְהוֹרַאי אוֹמֵר מְגַלֵּחַ אַחַת לִשְׁלֹשִׁים יוֹם. מַאי טַעְמָא גַּבֵּי כֹּהֲנִים – מִשּׁוּם דְּאִיכָּא כּוֹבֶד, הָכָא נַמִי אִיכָּא כּוֹבֶד.

It was taught in the *baraita* that **Rabbi Nehorai says** that Absalom **cut** his hair **once every thirty days.** The Gemara explains the basis for this opinion: **What is the reason** that **with regard to priests,**[N] the *halakha* is that they must cut their hair every thirty days? It is **because** after that interval **there is** noticeable **weight** to the hair. **Here, too,** in the case of Absalom, **there is** noticeable **weight** after this period of time has passed, and it is clear that Absalom cut his hair due to its weight, as it is stated: "Because the hair was heavy on him, therefore he polled it" (II Samuel 14:26).

רַבִּי יוֹסֵי אוֹמֵר: מְגַלֵּחַ מֵעֶרֶב שַׁבָּת לְעֶרֶב שַׁבָּת. מַאי אִיכָּא בֵּינֵיהּ לִשְׁאָר אֲחוֹהִי?

It was taught in the *baraita* that **Rabbi Yosei says:** Absalom **cut** his hair **from one Shabbat eve to** another **Shabbat eve,** as the sons of kings would cut their hair every Shabbat eve. The Gemara asks: If so, **what** difference **is there between** Absalom, who was a nazirite, **and the rest of his brothers,**[N] King David's sons, who also cut their hair once a week?

NOTES

After four months they would visit one time – אַרְבָּעָה יַרְחִין חַד זִימְנָא: The logic here is that they would travel more frequently in the summer, since it is harder to leave the house during the winter months (*Leket HaKotzerim*). Some manuscripts and other sources do not contain this sentence.

What is the reason that with regard to priests, etc. – מַאי טַעְמָא גַּבֵּי כֹּהֲנִים וכו׳: The early commentaries point out that the *halakha* that priests must cut their hair once a month is not explicitly stated in the Bible, which merely says: "And they will not let their locks grow long" (Ezekiel 44:20). Rather, it is derived through a verbal analogy between a verse pertaining to a priest and one concerning a nazirite (see *Ta'anit* 17a): Since an unspecified term of naziriteship is thirty days, it is derived that a priest cuts his hair every thirty days. That being the case, why does the Gemara derive that a permanent nazirite cuts his hair every thirty days based upon the *halakha* that applies to a priest, rather than deriving this *halakha* directly from its source, which is the case of an unspecified term of naziriteship?

Tosafot answer that Rabbi Nehorai preferred to derive the *halakhot* of a permanent nazirite from the case of a priest, whose sanctity is also permanent, rather than from the temporary sanctity of an ordinary nazirite. Other commentaries explain that this *halakha* cannot be derived from a regular nazirite, since he cuts his hair only because his term of naziriteship is completed. Rabbi Nehorai must derive the *halakha* from the case of priests, who cut their hair every month despite the fact that they retain their sanctity for longer than a month (Rosh; Rabbeinu Peretz; Rabbeinu Azriel, cited in *Shita Mekubbetzet*). Another reason given is that cutting the hair of a permanent nazirite resembles cutting the hair of a priest, since neither of them entirely shave off their hair. A regular nazirite, however, must shave his entire head (Rabbeinu Todros, cited in *Shita Mekubbetzet*).

What difference is there between Absalom and the rest of his brothers – מַאי אִיכָּא בֵּינֵיהּ לִשְׁאָר אֲחוֹהִי: *Tosafot* point out that there is an obvious difference between them, as only Absalom was required to bring offerings when he cut his hair. They answer that this question is referring to a difference with regard to cutting hair, as the Torah indicates that Absalom grew his hair longer than most people grew their hair. The Rosh notes that there were other differences even in the manner in which they were permitted to cut their hair, as Absalom was permitted to use only a razor while they were permitted to use scissors. Furthermore, he was allowed only to trim his hair, whereas they were allowed to cut it all off if they so desired. He explains that the Gemara is referring to his brothers' usual manner of cutting their hair, since they customarily used a razor and did not cut off all their hair. With regard to the observation of *Tosafot*, that an obvious difference is that only Absalom brought offerings when he cut his hair, the Rosh and Rabbeinu Azriel explain that when the Gemara states that Absalom was permitted to cut his hair only in the evening, it means to say that he was permitted to cut his hair only if he had already brought his offerings.

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יוֹם טוֹב שֶׁחָל לִהְיוֹת בְּאֶמְצַע שַׁבָּת, דַּאֲחוֹהִי מְגַלְּחִין, הוּא לָא מְגַלַּח. אִי נַמִי, לְגַלּוּחֵי מִן צַפָּרָא דְּמַעֲלֵי שַׁבְּתָא; אֲחוֹהִי מְגַלְּחִין, אִיהוּ לָא מְגַלַּח עַד פַּנְיָא.

The Gemara answers: There is a difference between them with regard to **a Festival that occurs in the middle of the week, as his brothers** would **cut** their hair in honor of the Festival, whereas **he** would **not cut** his hair. **Alternatively,** the difference between them concerns **cutting** hair **on the morning of Shabbat eve. His brothers would cut** their hair at that hour, whereas **he** would **not cut** his hair **until the evening,** shortly before Shabbat.

הֲנֵי אַרְבָּעִים שָׁנָה מַאי עֲבִידְתַּייהוּ? רַבִּי נְהוֹרַאי אוֹמֵר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ: לְקֵץ אַרְבָּעִים שָׁנָה שֶׁשָּׁאֲלוּ לָהֶן מֶלֶךְ. תָּנָא: אוֹתָהּ שָׁנָה שֶׁשָּׁאֲלוּ לָהֶן מֶלֶךְ הָיְתָה שְׁנַת עֶשֶׂר לִשְׁמוּאֵל הָרָמָתִי.

Having mentioned in 4b the verse "and it came to pass at the end of forty years, that Absalom said unto the king" (II Samuel 15:7), the Gemara asks: With regard to **these forty years, what is their purpose** in this discussion,[N] i.e., to what time period do they refer? The Gemara answers: **Rabbi Nehorai says in the name of Rabbi Yehoshua:** It is referring **to the end of forty years,** since the Jewish people **requested for themselves a king**[N] in the days of Samuel (see I Samuel, chapter 8). It was **taught: That year when they requested for themselves a king was the tenth year** of the leadership **of Samuel the Ramathite.**

מתני׳ סְתָם נְזִירוּת שְׁלֹשִׁים יוֹם.

MISHNA In the case of **unspecified naziriteship,** where one does not state how long he wishes to be a nazirite, the term lasts for **thirty days.**[H]

גמ׳ מְנָהֲנֵי מִילֵּי? אָמַר רַב מַתָּנָא: אָמַר קְרָא "קָדוֹשׁ יִהְיֶה". "יִהְיֶה" בְּגִמַטְרִיָּא תְּלָתִין וָוִי.

GEMARA The Gemara asks: **From where are these matters** derived,[N] that an unspecified naziriteship is thirty days? In answer to this question, **Rav Mattana**[P] **said: The verse states** with regard to a nazirite: **"He shall be** [*yihye*] **holy"** (Numbers 6:5), and **the numerical value** [*gimatriyya*][L] **of** the letters of the word ***yihye***[N] **is thirty.**

בַּר פַּדָּא אָמַר: כְּנֶגֶד "נָזִיר", "נְזִירוֹ" הָאֲמוּרִים בַּתּוֹרָה, שְׁלֹשִׁים חָסֵר אַחַת.

Bar Padda[P] **said:** The number of days of an unspecified naziriteship **corresponds** to the number of appearances of the words **"nazirite," "his naziriteship,"**[N] and similar terms **that are stated in the Torah** in the chapter of naziriteship (Numbers, chapter 6): **Thirty less one** times. So too, an unspecified term of naziriteship is twenty-nine days.

וְרַב מַתָּנָא נַמִי, נֵילַף מִ"נָזִיר" "נְזִירוֹ"!

The Gemara asks: **And Rav Mattana should also derive from** the number of times that the words **"nazirite"** and **"his naziriteship"** appear, to conclude like bar Padda that an unspecified naziriteship lasts for twenty-nine days.

HALAKHA

Unspecified naziriteship lasts for thirty days – סְתָם נְזִירוּת שְׁלֹשִׁים יוֹם: One who takes a nazirite vow without further specification becomes a nazirite for thirty days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:1).

PERSONALITIES

Rav Mattana – רַב מַתָּנָא: Rav Mattana was among the second generation of *amora'im* in Babylonia. He was one of the important disciples of Shmuel, as we find his teacher asking him for help understanding a certain point. Rav Mattana also quotes teachings in the name of Rav. For a while he lived in the city of Paponya, where he occupied himself with the dissemination of Torah. Third-generation *amora'im* quote halakhic and aggadic teachings in his name, and there are also teachings in his name in the *midrashim* from Eretz Yisrael.

Bar Padda – בַּר פַּדָּא: Bar Padda is the Sage Rabbi Yehuda bar Pedaiah, the son of bar Kappara's sister. He was among Rabbi Yehuda HaNasi's younger disciples. Rabbi Yehuda bar Pedaiah was among the Sages of the South, living in the region of Judea. He may have lived in the town of Lod. All of the great second- and third-generation *amora'im* in Eretz Yisrael studied under his tutelage, and some of his teachings are quoted by Sages such as Rabbi Yehoshua ben Levi, Rabbi Yoḥanan, and Reish Lakish. His contributions to *halakha* and *aggada* are found throughout both the Babylonian Talmud and the Jerusalem Talmud and in *midrashim*.

LANGUAGE

Numerical value [*gimatriyya*] – גִּמַטְרִיָּא: Derived from the Greek γεωμετρία, *geometria*, which means measurement or calculation in general, although the term was later designated for a specific type of calculation, geometry. In rabbinic literature, it also refers to mathematical calculations in general, although it most commonly refers to tabulating the numerical values of the letters in a word.

NOTES

These forty years, what is their purpose in this discussion – הֲנֵי אַרְבָּעִים שָׁנָה מַאי עֲבִידְתַּייהוּ: The verse cannot mean forty years from the start of David's reign, since David reigned for a total of only forty years, and it is clear that he continued to reign for a few years after Absalom's rebellion (see II Samuel, chapter 21). The *tanna'im* in *Seder Olam* disagree about the precise date of the rebellion. The Gemara in tractate *Temura* (14b–15a) states that David had reigned for thirty-seven years before Absalom's rebellion, but the early commentaries cite manuscripts of that Gemara that state that he had reigned for thirty-six years (see Commentary on *Nazir* and *Tosafot*).

Requested for themselves a king – שֶׁשָּׁאֲלוּ לָהֶן מֶלֶךְ: The verse mentions this date because Absalom knew that his father was destined to reign for forty years, as he did, but he mistakenly thought that these forty years should be counted from the inception of the monarchy among the Jewish people (Commentary on *Nazir*). Other early commentaries explain that the Jewish people's request for a king constituted a rebellion against God, or a rebellion against the rule of Samuel the prophet, who served as a judge over the Jewish people. Consequently, the verse links Absalom's revolt with the original rebellion of the Jewish people (Rosh; Rabbeinu Peretz). Alternatively, the verse dates the rebellion against the king from the time of the inception of the institution of Jewish monarchy (Rabbeinu Peretz, citing *Tosafot*).

From where are these matters derived – מְנָהֲנֵי מִילֵּי: Only Rav Mattana provides an answer to the Gemara's question, since bar Padda's opinion that an unspecified term of naziriteship is twenty-nine days contradicts the *halakha* stated in the mishna. Other explanations of the mishna's ruling are offered in the Jerusalem Talmud. One explanation links the *yamim* stated with regard to a nazirite to the *yamim* stated in the context of a beautiful captive woman (Deuteronomy 21:13), which refers to thirty days. Alternatively, it might be derived from the verse that states with regard to a nazirite: "On the day when the days of his consecration are complete" (Numbers 6:13), since only a month can be called "complete" in days, and a month can be either thirty or twenty-nine days in the Jewish calendar (see 6b).

The numerical value of the letters of the word *yihye* – יִהְיֶה בְּגִמַטְרִיָּא: In the Rambam's Commentary on the Mishna, it is explained that according to Rav Mattana, this *halakha* is learned through a tradition transmitted to Moses from Sinai, and he is merely providing support for it with a hint from the word's numerical value. The Rosh likewise explains that this proof is merely a support, since calculating the numerical value of words is not included in the list of the thirteen exegetical principles through which *halakhot* are derived from the Torah. It is only one of the thirty-two exegetical principles that Rabbi Eliezer, son of Rabbi Yosei, uses to learn *aggada*. See Rabbi Yoshiya's comments cited in the Gemara on 6b.

Nazirite, his naziriteship, etc. – נָזִיר, נְזִירוֹ וכו׳: It is explained in the Commentary on *Nazir* that this list includes not only the words "nazirite" and "his naziriteship," but also the terms "vow" and "his vow" whenever they appear in this chapter. The full list of these terms is mentioned in the Commentary on *Nazir* and in greater detail in the Meiri. These terms actually appear thirty times in the chapter, but the verse "because his consecration [*nezer*] to God is upon his head" (Numbers 6:7) is not included in the list, since its meaning in context is crown and not naziriteship, as seen in the *Targum Onkelos* (Commentary on *Nazir*; *Tosafot*). The fact that these terms appear thirty times is also raised in the Jerusalem Talmud, where it is explained that one usage of the term nazirite is needed in order to state that the chapter is referring to a nazirite, and all of the other times that it appears are to teach the length of an unspecified term of naziriteship.

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אָמַר לָךְ: הַהוּא לִדְרָשָׁה: ״מִיַּיִן וְשֵׁכָר יָזִיר״ – לֶאֱסוֹר יֵין מִצְוָה כְּיֵין רְשׁוּת. ״כִּי יַפְלִא לִנְדֹּר נֶדֶר נָזִיר לְהַזִּיר״ – מִלַּמֵּד שֶׁהַנְּזִירוּת חָלָה עַל נְזִירוּת.

The Gemara answers: Rav Mattana could have **said to you: That** word is needed **for** a specific **exposition.** The words: **"He shall abstain** [*yazir*] **from wine and strong drink"** (Numbers 6:3), comes **to prohibit** a nazirite from drinking **wine** that is consumed for **a mitzva** just **as** he is prohibited from drinking **wine** whose consumption is **optional.** Likewise, the words: "When either man or woman **shall clearly utter a vow, the vow of a nazirite, to consecrate himself"** (Numbers 6:2), **teach that** one vow of **naziriteship takes effect where** another vow of **naziriteship** already exists.[H] For example, if one takes a vow by stating: I will be a nazirite today, and then repeats the vow, he must observe two periods of naziriteship. Consequently, since sometimes the word nazirite, in its different forms, appears in order to serve as the source of a particular exposition, the number of times it occurs does not indicate the length of an unspecified term of naziriteship.

HALAKHA

That one vow of naziriteship takes effect where another vow of naziriteship already exists – שֶׁהַנְּזִירוּת חָלָה עַל הַנְּזִירוּת: One who takes two nazirite vows must observe a term of naziriteship for thirty days, whereupon he cuts his hair, brings his offerings, and then proceeds with his second term of naziriteship. This is the case whether he declared his two vows on one occasion or at separate times (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:6; 10).

Perek **I**
Daf **5** Amud **b**

וּבַר פַּדָּא אָמַר לָךְ: לֵיכָּא חַד מִינְּהוֹן דְּלָאו לִדְרָשָׁא? אֶלָּא, מִדַּהֲוּא לְמִנְיָינָא – כּוּלְּהוּ נַמִי לְמִנְיָינָא.

And bar Padda could have **said to you** that although some of these verses are required for an exposition, is **there not** at least **one of them**[N] **that is not** used **for an exposition? Rather, since that** usage of the term nazirite is stated **to** indicate **the number** of days in an unspecified term of naziriteship, **all of** the other usages of the term **are also** stated **to** indicate **the number** of days[N] in an unspecified term of naziriteship in addition to the specific *halakhot* that are derived from them.

תְּנַן: סְתָם נְזִירוּת שְׁלֹשִׁים יוֹם. בְּשִׁלְמָא לְרַב מַתָּנָא – נִיחָא, אֶלָּא לְבַר פַּדָּא קַשְׁיָא!

The Gemara analyzes the opinions of Rav Mattana and bar Padda in light of the mishna and relevant *baraitot*. **We learned** in the mishna: An **unspecified naziriteship** lasts for **thirty days. Granted,** according **to Rav Mattana** it **works out well. However, according to bar Padda** it is **difficult,** since in his opinion the mishna should have stated that an unspecified naziriteship lasts for twenty-nine days.

אָמַר לָךְ בַּר פַּדָּא: אַיְידֵי דְּאִיכָּא יוֹם תְּלָתִין, דְּמְגַלַּח וּמֵבִיא קָרְבְּנוֹתָיו – מְשׁוּם הָכִי תְּנָא שְׁלֹשִׁים.

The Gemara answers: **Bar Padda** could have **said to you:** The principal days of naziriteship are twenty-nine days. However, **since there is the thirtieth day, when** the nazirite **shaves** his hair **and brings his offerings,** and the prohibitions of naziriteship remain in effect on that day until he has brought these offerings, **due to that** reason the *tanna* **teaches** that an unspecified naziriteship lasts for **thirty** days.

תְּנַן: מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״ – מְגַלֵּחַ יוֹם שְׁלֹשִׁים וְאֶחָד. בְּשִׁלְמָא לְרַב מַתָּנָא – נִיחָא, אֶלָּא לְבַר פַּדָּא קַשְׁיָא!

The Gemara asks: **We learned** in a mishna (16a): **One who said: I am hereby a nazirite, shaves** his hair on **the thirty-first day. Granted,** according **to Rav Mattana** this **works out well,** since one must finish his term of naziriteship, which lasts for thirty days, before he can shave his hair. **However,** according **to bar Padda,** it is **difficult.** Why doesn't he shave his hair on the thirtieth day?

אָמַר לָךְ בַּר פַּדָּא, אִיתְּמָא סֵיפָא: אִם גִּילַּח לְיוֹם שְׁלֹשִׁים – יָצָא. אֶלָּא סֵיפָא מַסְיְיעָא לֵיהּ, רֵישָׁא – נַעֲשָׂה כְּאוֹמֵר ״שְׁלֵימִין״.

The Gemara answers: **Bar Padda** could have **said to you** in response: **Say the latter clause** of that mishna: **If he shaved** his hair **on the thirtieth day, he has fulfilled** his obligation. This indicates that the naziriteship itself lasts only twenty-nine days. **Rather, the latter clause** of that mishna certainly **supports his** opinion. As for **the first clause,** the reason a nazirite must wait until the thirty-first day in order to shave his hair *ab initio* is as follows: Since one who specifies that he is becoming a nazirite for thirty complete days may shave his hair only on the thirty-first day, the Sages ruled that even one who did not specify a time period **becomes like one who said** explicitly that he will be a nazirite for thirty **complete** days.[N] Consequently, he may shave his hair *ab initio* only after thirty days have passed.

NOTES

Is there not at least one of them – לֵיכָּא חַד מִינְּהוֹן: Although *halakhot* are derived from some occurrences of the words nazirite and naziriteship, there is at least one occurrence that does not teach any *halakha*, and it can therefore be assumed that just as that word presumably appears in order to teach the number of days in a period of unspecified naziriteship, even the words that serve as the source of other *halakhot* also indicate the length of an unspecified naziriteship (*Tosafot*). Rabbeinu Peretz explains that since the expositions for all of the terms are not known, it is unreasonable to assume that all the words are used for derivations but those derivations are not currently known. It is far more plausible to assume that some of these words appear in order to indicate the number of days in an unspecified naziriteship. It is also impossible to count only the superfluous words, since one or more of them might be expounded in a manner unknown to us. Therefore, all the words must be included.

All of the other usages of the term are also stated to indicate the number of days – כּוּלְּהוּ נַמִי לְמִנְיָינָא: Similar disputes are recorded elsewhere (see *Sukka* 6b) with regard to the question of whether a word in the Torah that is needed to convey a *halakha* through its straightforward meaning can also be counted along with other, seemingly unnecessary usages of the word, so that the total number of times the word appears can be used to teach a *halakha*.

Becomes like one who said explicitly that he will be a nazirite for thirty complete days – נַעֲשָׂה כְּאוֹמֵר שְׁלֵימִין: Nevertheless, since he himself did not say that he was accepting naziriteship for thirty complete days, if he shaves his hair on the thirtieth day, he fulfills his obligation (Commentary on *Nazir*). *Tosafot* and the Rosh explain that according to bar Padda, who does not accept the principle that part of the day is like the entire day, even if one said that he is accepting naziriteship for thirty days, and he did not specify thirty complete days, he may shave his hair only on the thirty-first day by Torah law. The Gemara mentions the case of one who said he will be a nazirite for thirty complete days only so that it can give the same answer on behalf of Rav Mattana in the continuation of this discussion.

The Rosh explains that the reason for the rabbinic decree is that people are more accustomed to using round numbers, such as thirty, rather than twenty-nine. Similarly, the Torah speaks of forty lashes and counting fifty days of the *omer*, although the precise number is one less than that (*Leket HaKotzerim*). Consequently, people are likely to accept thirty-day terms of naziriteship. In order to avoid confusion, the Sages decreed that anyone who accepts an unspecified term of naziriteship or a twenty-nine-day term must observe a thirty-day term of naziriteship (see Commentary on *Nazir*).

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HALAKHA

The legal status of part of the day is like that of an entire day – מִקְצָת הַיּוֹם כְּכוּלּוֹ: With regard to various *halakhot*, the legal status of part of a day is like that of an entire day. For example, with regard to the seventh day of mourning, once the mourner has observed the *halakhot* of mourning for the beginning of the day, it is as though he observed them for the entire day. He is not required to observe the *halakhot* of mourning for the duration of the day. The same is true with regard to the single day of mourning that must be observed when one receives the news that his relative died more than thirty days earlier (Rambam *Sefer Shofetim*, *Hilkhot Evel* 7:2–3, 10:5; *Shulḥan Arukh*, *Yoreh De'a* 402:1, 6).

וּלְרַב מַתָּנָא קַשְׁיָא סֵיפָא! קָסָבַר: מִקְצָת הַיּוֹם כְּכוּלּוֹ.

The Gemara asks: **And for Rav Mattana, the latter clause** of the mishna is **difficult,** since it states that one who shaves his hair on the thirtieth day has fulfilled his obligation, whereas Rav Mattana claims that his naziriteship is not yet complete at that time. The Gemara answers: He **holds** that the legal status of **part of the day is like** that **of an entire** day.[HN] Although the term of naziriteship is thirty days, once the thirtieth day begins it is as though it has been completed, and a nazirite who shaves his hair on that day has fulfilled his obligation.

תְּנַן: ״הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם״. אִם גִּילַּח יוֹם שְׁלֹשִׁים – לֹא יָצָא! בְּאוֹמֵר ״שְׁלֵימִין״.

The Gemara asks further: **We learned** in that same mishna: In the case of one who says: **I am hereby a nazirite** for **thirty days, if he shaved** his hair on the **thirtieth day, he has not fulfilled** his obligation. This appears to contradict the opinion of Rav Mattana, who holds that part of the day is like an entire day. The Gemara answers: This is referring **to** one who **says** that he will be a nazirite for thirty **complete** days,[N] in which case he certainly does not fulfill his obligation by shaving his hair on the thirtieth day itself.

תְּנַן: מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת, מְגַלֵּחַ אֶת הָרִאשׁוֹנָה יוֹם שְׁלֹשִׁים וְאֶחָד, וְהַשְּׁנִיָּה לְיוֹם שִׁשִּׁים וְאֶחָד. בְּשִׁלָּמָא לְרַב מַתָּנָא – נִיחָא,

The Gemara asks further: **We learned** in that mishna: **One who accepted two** terms of **naziriteship**[N] **shaves** his hair for **the first** naziriteship on the **thirty-first day, and** he shaves his hair for **the second** term **on the sixty-first day. Granted,** according **to Rav Mattana** this **works out well,**[N] since he shaves his head for the first naziriteship after a full thirty days have passed. The second term of naziriteship then commences on that day, which is the thirty-first day since he took his vows. He then shaves for the second time on the thirty-first day of his second naziriteship, which is the sixty-first day since he took his vows.

NOTES

The legal status of part of the day is like that of an entire day – מִקְצָת הַיּוֹם כְּכוּלּוֹ: The commentaries ask: Since bar Padda and Rav Mattana agree that the nazirite must cut his hair on the thirty-first day *ab initio* but if he did so on the thirtieth day he has fulfilled his obligation, what is the practical difference between their opinions?

Rabbeinu Peretz explains that there is no need to find a practical difference, as they are merely arguing over the source of the *halakha*. Other commentaries explain that they differ with regard to a nazirite who became impure on the thirtieth day before bringing his offerings. According to bar Padda, he does not negate the days of his naziriteship since he became impure after the completion of his term, whereas Rav Mattana holds that he must start his naziriteship anew (Commentary on *Nazir*). Alternatively, bar Padda holds that he must start his naziriteship again by rabbinic law, whereas Rav Mattana holds that he must begin his naziriteship anew by Torah law. Additionally, they disagree with regard to one who explicitly stated that he will be a nazirite for twenty-nine days. According to bar Padda, in this case he may cut his hair on the thirtieth day *ab initio*, whereas according to Rav Mattana this is a case of one who takes a nazirite vow for a shorter period than the minimum amount, and he must complete the thirty days (Commentary on *Nazir*).

Tosafot add another difference: Since they disagree about whether the legal status of part of a day is like that of the entire day, in any case where one specifies a term of naziriteship of a particular number of days, Rav Mattana holds that one can shave his hair on the last day of that term and bar Padda holds that one must wait until the following day. It should be noted that an opinion is cited in the Jerusalem Talmud that claims that according to Rav Mattana, one who takes upon himself an unspecified term of naziriteship and cuts his hair on the thirtieth day has not fulfilled his obligation.

This is referring to one who says that he will be a nazirite for thirty complete days – בְּאוֹמֵר שְׁלֵימִין: Since he said so explicitly, he does not fulfill his obligation if he cuts his hair earlier (Commentary on *Nazir*). *Tosafot* explain that the question cited here in the Gemara does not present a difficulty for the opinion of bar Padda, because he holds that part of a day is not like an entire day. Consequently, since the individual specified that his term of naziriteship was to last thirty days, he did not fulfill his obligation if he shaved his hair on the thirtieth day.

Tosafot explain further that, according to Rav Mattana, even if the individual did not explicitly state that his term of naziriteship would last thirty complete days, that is implied by his statement that his term would last thirty days. Otherwise it would have been unnecessary for him to specify that his term was for thirty days, as an unspecified term of naziriteship is also thirty days. The Rosh cites an alternative version of the Gemara text that states: It is as though he said that his term would be thirty complete days.

Two terms of naziriteship – שְׁתֵּי נְזִירוֹת: The Rosh explains simply that he said he is accepting upon himself two terms of naziriteship. Rabbeinu Azriel, cited in *Shita Mekubbetzet*, claims that the same *halakha* applies to one who made two consecutive statements, such as: I am hereby a nazirite, I am a nazirite.

According to Rav Mattana this works out well – לְרַב מַתָּנָא נִיחָא: This is because he maintains that the thirty-first day from the beginning of the first naziriteship is the first day of the second term, and therefore on both occasions the nazirite shaves his hair on the thirty-first day (Commentary on *Nazir*).

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אֶלָּא לְבַר פַּדָּא קַשְׁיָא!

However, according to bar Padda this is **difficult.**[N] Why doesn't he shave his hair on the thirtieth day of each term of naziriteship?

אָמַר לָךְ בַּר פַּדָּא, אֵימָא סֵיפָא: וְאִם גִּילַּח אֶת הָרִאשׁוֹנָה לִיּוֹם שְׁלֹשִׁים – מְגַלֵּחַ אֶת הַשְּׁנִיָּה לִיּוֹם שִׁשִּׁים. אֶלָּא, סֵיפָא – מְסַיְּיעָא לֵיהּ, רֵישָׁא – בְּאוֹמֵר "שְׁלֵימִים".

The Gemara answers: **Bar Padda** could have **said to you: Say the latter clause** of the mishna: **And if he shaved** his hair for **the first** term **on the thirtieth day, he shaves** his hair for **the second** term **on the sixtieth day.** This demonstrates that the periods of naziriteship really last only twenty-nine days. **Rather, the latter clause** of the mishna **supports his** opinion, whereas the **earlier clause** of the mishna, which teaches that he shaves his hair on the thirty-first and sixty-first days, is referring **to one who says** that his naziriteship will be for thirty **complete** days.[N]

וּלְרַב מַתָּנָא קַשְׁיָא סֵיפָא! אָמַר לָךְ רַב מַתָּנָא, כִּדְקָתָנֵי סֵיפָא: יוֹם שְׁלֹשִׁים עוֹלֶה לְזֶה וּלְזֶה.

The Gemara now asks: **And according to Rav Mattana, the latter clause** of the mishna is **difficult.** The Gemara answers that **Rav Mattana** could have **said to you that** it is **as the latter clause teaches: The thirtieth day counts for** both **this and that,** i.e., it is considered both the last day of the first term of naziriteship, as well as the first day of the second term.

מַאי הִיא – מִקְצָת הַיּוֹם כְּכוּלּוֹ? הָא אֲמָרָהּ חֲדָא זִימְנָא! מַהוּ דְּתֵימָא: הָנֵי מִילֵּי לְעִנְיַן חֲדָא נְזִירוּת, אֲבָל לִשְׁתֵּי נְזִירוּת – לָא, קָא מַשְׁמַע לָן.

The Gemara asks: **What is** the novelty of the latter clause of the mishna? Is it that the legal status of **part of the day is like** that **of an entire** day? **But didn't he** already **say this once**[N] in an earlier clause in that mishna, as explained above? The Gemara answers: The latter clause was necessary; **lest you say** that **this** principle **applies** only **with regard to one** term of **naziriteship, but** with regard **to two** terms of **naziriteship, no,**[N] this principle does not apply, the *tanna* therefore **teaches us** that part of the day is like that of an entire day, even to allow counting the beginning of the day as the last day of one term of naziriteship and the end of the day as the first day of another term of naziriteship.

NOTES

However according to bar Padda this is difficult – אֶלָּא לְבַר פַּדָּא קַשְׁיָא: Since bar Padda holds that an unspecified term of naziriteship lasts only twenty-nine days, the nazirite should be permitted to shave his hair on the thirtieth day. The remainder of that day would then count as the first day of his second term, and he should be permitted to shave his hair again on the thirtieth day of that term, which is the fifty-ninth day since the onset of his first term of naziriteship (Commentary on *Nazir*). Rabbeinu Azriel, cited in *Shita Mekubbetzet*, explains that the difficulty stems from the *halakha* that he shaves his hair for the first term of naziriteship on the thirty-first day. Although bar Padda holds that the Sages decreed that one must wait until the thirty-first day to shave his hair *ab initio*, this decree should not apply in this case, in order not to postpone the beginning of the second term of naziriteship (*Leket HaKotzerim*).

Is referring to one who says that his naziriteship will be for thirty complete days – בְּאוֹמֵר שְׁלֵימִים: An alternative version of the text reads: He is considered like one who says that his naziriteship will be for thirty complete days. The difference between the two versions is that if the individual explicitly stated that he would be a nazirite for thirty complete days, he is prohibited from shaving his hair before the thirty-first day by Torah law. If it is considered as though he made this statement, he is prohibited to do so by rabbinic decree.

But didn't he already say this once – הָא אֲמָרָהּ חֲדָא זִימְנָא: The commentaries point out that according to bar Padda as well, this statement of the mishna does not seem to teach anything new, as he already explained (5b) that the case in the mishna is where the individual stated that he was becoming a nazirite for thirty complete days. *Tosafot* explain the novelty for bar Padda as follows: Although he does not accept the principle that part of a day is like the entire day with regard to the end of naziriteship, as far as the beginning of naziriteship is concerned, even he agrees that part of the day is like an entire day. Consequently, after the nazirite shaves his hair upon concluding his first term of naziriteship, the remainder of the day counts as the first day of his second term. This is similar to any case where one takes a nazirite vow, as the day on which the vow is taken is considered the first day of naziriteship, even if one took the vow after the day began.

But with regard to two terms of naziriteship, no – לִשְׁתֵּי נְזִירוּת לָא: The logic here is that once part of the day is considered like the entire day, the entire day is counted toward a particular term of naziriteship, and ostensibly it cannot be counted again for a second term of naziriteship.

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תְּנַן: אִם גִּילַּח יוֹם שִׁשִּׁים חָסֵר אֶחָד – יָצָא, שְׁיוֹם שְׁלוֹשִׁים עוֹלֶה לוֹ מִן הַמְּנָיָן. בְּשִׁלְּמָא לְרַב מַתָּנָא – נִיחָא, אֶלָּא לְרַב פַּדָּא לָמָּה לִי? הָא אֲמַר שְׁלוֹשִׁים חָסֵר אֶחָד!

The Gemara raises another question. **We learned** in the mishna (16a): **If he shaved** his hair on **day sixty less one,** i.e., on the fifty-ninth day after he vowed to observe two consecutive terms of naziriteship, **he has fulfilled** his obligation, **as the thirtieth day counts** as part **of his tally. Granted,** according **to Rav Mattana** this **works out well,** since the mishna is stating that the thirtieth day can be counted for both terms of naziriteship due to the principle that part of a day is like an entire day. **However, according to bar Padda, why do I** need the mishna to state that the thirtieth day counts in his tally? **Didn't he say** that an unspecified term of naziriteship is for **thirty** days **less one?** It is obvious that the thirtieth day counts for the second term of naziriteship.

אָמַר לָךְ: אֲנָא נַמִי אַהָא סָמְכִי.

The Gemara answers: Bar Padda could have **said to you: I too rely on this.**[N] This is my proof for the principle that an unspecified naziriteship lasts for twenty-nine days.

תְּנַן: מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״. נִטְמָא יוֹם שְׁלוֹשִׁים – סוֹתֵר אֶת הַכֹּל. בְּשִׁלְּמָא לְרַב מַתָּנָא – נִיחָא, אֶלָּא לְרַב פַּדָּא קַשְׁיָא!

The Gemara continues to ask: **We learned** in the mishna (16a): In the case of **one who said: I am hereby a nazirite,** if he **became ritually impure** on the **thirtieth day, it negates the entire** tally, and he must start his naziriteship afresh. **Granted,** according **to Rav Mattana** it **works out well,**[N] since he became impure before the conclusion of his naziriteship. **However, according to bar Padda** it is **difficult,** as the term of naziriteship ended at the conclusion of the twenty-ninth day, and one who becomes impure after completing his term does not have to observe a new term of naziriteship.

NOTES

I too rely on this – אֲנָא נַמִי אַהָא סָמְכִי: When the mishna states that the thirtieth day counts as part of his tally, it means that it is counted as part of the second term of naziriteship. Consequently, it is clear that the first term lasted only twenty-nine days. It is obvious to bar Padda that one cannot use the principle that part of a day is like an entire day and count one day for both terms of naziriteship (*Tosafot*; Rosh).

Granted according to Rav Mattana it works out well – בְּשִׁלְּמָא לְרַב מַתָּנָא נִיחָא: The early commentaries ask: Doesn't this mishna also present a difficulty with regard to the opinion of Rav Mattana? If he maintains that part of the day is like the entire day, the naziriteship should be considered completed after the beginning of the day. Why, then, would the nazirite have to start his term again? They answer that although part of a day is like the entire day, so that a nazirite can bring his offerings and shave his hair on the thirtieth day, the naziriteship is not considered to have ended until he actually brings his offerings. The case here is one where the nazirite became impure before he brought his offerings (*Tosafot*; Rosh; see Meiri).

Rabbeinu Todros, cited in *Shita Mekubbetzet*, indicates that even Rav Mattana agrees that the *halakha* that one who becomes impure on the thirtieth day must start his naziriteship anew is by rabbinic law, but not by Torah law. It is explained in the Commentary on *Nazir* that Rav Mattana stated that part of a day is like the entire day only according to the opinion of Rabbi Eliezer (see 6b). The first *tanna* in the mishna, who disagrees with Rabbi Eliezer, does not accept this principle.

Perek **I**
Daf **6** Amud **b**

אָמַר לָךְ בַּר פַּדָּא, אֵימָא סֵיפָא: רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה. אִי סָלְקָא דַּעְתָּךְ שְׁלוֹשִׁים בָּעֵינַן – נִסְתּוֹר כּוּלְּהוּ.

The Gemara answers: **Bar Padda** could have **said to you: Say the latter clause** of that mishna: **Rabbi Eliezer says:**[N] **It negates only seven** days.[N] **If it enters your mind** that **we require thirty** days for a term of naziriteship, the nazirite **should negate all of them,** since he is still in the middle of his naziriteship. This proves that an unspecified naziriteship is only twenty-nine days long.

קָסָבַר רַבִּי אֱלִיעֶזֶר: מִקְצָת הַיּוֹם כְּכוּלּוֹ.

The Gemara responds that Rav Mattana can explain Rabbi Eliezer's opinion as follows: This does not prove that an unspecified term of naziriteship is less than thirty days, as **Rabbi Eliezer holds** that the legal status of **part of the day is like** that **of an entire** day, and it is viewed as though the nazirite has completed his term of naziriteship at the start of the thirtieth day.

NOTES

Say the latter clause of that mishna: Rabbi Eliezer says, etc. – אֵימָא סֵיפָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר וכו': The early commentaries ask: This seemingly indicates that bar Padda holds in accordance with the minority opinion of Rabbi Eliezer. Why would he accept the minority opinion rather than the opinion of the majority of the Rabbis? They answer that, according to bar Padda, the Rabbis agree with Rabbi Eliezer that an unspecified naziriteship lasts twenty-nine days. They disagree only with regard to the *halakha* of one who becomes impure on the thirtieth day. According to the Rabbis, there is a rabbinic decree requiring the nazirite to begin his term anew, lest there be confusion in a case of one who accepts a term of thirty complete days of naziriteship, in which case if he becomes impure on the thirtieth day he must begin his term again by Torah law (*Tosafot*). Rav Mattana is of the opinion that, according to the Rabbis, the nazirite must start his term anew according to Torah law.

It negates only seven days – אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה: In other words, none of the days of his naziriteship are invalidated, but he must wait seven additional days until the completion of his term. Two explanations for this are offered in the Commentary on *Nazir*. One explanation is that since he must shave his hair due to his impurity, he must wait another seven days for his hair to grow a little so that the end of one hair can be bent over to the root of another, to enable him to shave his hair for the completion of his term. The second explanation is that the nazirite cannot bring his offerings during these seven days because he is impure. He must therefore wait seven days until he becomes pure and can bring his offerings. This second explanation is also cited by *Tosafot*, the Rosh, and the Meiri. The Rosh and the Meiri add that although an impure person can have someone else bring his offerings on his behalf, this is not possible in the case of a nazirite because the verse states: "And he shall put them upon the hands of the nazirite" (Numbers 6:19). This indicates that the nazirite must bring his offerings himself, which he cannot do when he is impure.

Rabbi Eliezer uses the word negates, although none of the days of naziriteship are actually negated. Rabbeinu Peretz explains that this is in order to parallel the word choice employed by the first *tanna*. Alternatively, since he must keep the *halakhot* of naziriteship for an extra seven days, in practice it is as though the last seven days of naziriteship were invalidated.

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תְּנַן: ״הֲרֵינִי נָזִיר מֵאָה יוֹם״. נִטְמָא יוֹם מֵאָה – סוֹתֵר אֶת הַכֹּל, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שְׁלֹשִׁים יוֹם. וְאִי סָלְקָא דַּעְתָּךְ סָבַר רַבִּי אֱלִיעֶזֶר מְקָצָת הַיּוֹם כְּכוּלּוֹ – נִסְתּוֹר שִׁבְעָה, וְאִי לָא סָבַר מְקָצָת הַיּוֹם כְּכוּלּוֹ – לִיסְתּוֹר כּוּלָּהוּ!

The Gemara raises a difficulty with Rabbi Eliezer's opinion. **We learned** in the mishna (16a): If one says: **I am hereby a nazirite** for **one hundred days,** if **he became impure** on the **one hundredth day, it negates the entire** tally. He must bring offerings for having become impure, and he then begins his term of naziriteship anew. **Rabbi Eliezer says: It negates only thirty days.** The Gemara comments: **And if it enters your mind** that **Rabbi Eliezer holds**[N] that the legal status of **part of the day is like** that **of an entire** day, the nazirite **should negate seven** days because it is considered as though he became impure after completing his term of naziriteship. **And if he does not hold** that **part of the day is like an entire** day, **he should negate all of** the days, since he became impure during his naziriteship.

לְעוֹלָם לָא אָמְרִינַן מְקָצָת הַיּוֹם כְּכוּלּוֹ. אִי הָכִי לִיסְתּוֹר כּוּלָּהוּ! אֲמַר רֵישׁ לָקִישׁ: הַיְינוּ טַעֲמָא דְּרַבִּי אֱלִיעֶזֶר: אָמַר קְרָא ״זֹאת תּוֹרַת הַנָּזִיר בְּיוֹם מְלֹאת יְמֵי נִזְרוֹ״ הַתּוֹרָה אָמְרָה: נִטְמָא בְּיוֹם מְלֹאת – ת�ֵּן לוֹ תּוֹרַת נָזִיר.

The Gemara answers: **Actually, we do not say** that the legal status of **part of the day is like** that **of an entire** day. The Gemara asks: **If that is so,** then **let him negate all of** the days. **Reish Lakish said** that **this is the reason of Rabbi Eliezer: The verse states: "This is the law of the nazirite, on the day when the days of his consecration are complete"** (Numbers 6:13). **The Torah stated:** If **he became impure on the day of the completion**[N] of his term of naziriteship, **give him the *halakha* of** an unspecified **nazirite,** and he must recount an unspecified term of naziriteship, which is thirty days.

לֵימָא כְּתַנָּאֵי: ״עַד מְלֹאת הַיָּמִם״.

§ Until this point the Gemara has been attempting to prove whether the *halakha* is in accordance with the opinion of Rav Mattana or bar Padda. The Gemara now suggests: **Let us say** that this is **parallel to** a dispute between ***tanna'im,*** as it is taught in a *baraita*: The verse states: "**Until the days are complete,** in which he consecrated himself to the Lord, he shall be holy, he shall let the locks of the hair of his head grow long" (Numbers 6:5).

שׁוֹמְעַנִי מִיעוּט ״יָמִים״ שְׁנַיִם – תַּלְמוּד לוֹמַר ״קָדוֹשׁ יִהְיֶה גַּדֵּל פֶּרַע״. אֵין גִּידּוּל שֵׂעָר פָּחוֹת מִשְּׁלֹשִׁים, דִּבְרֵי רַבִּי יֹאשִׁיָּה.

I hear from this: The **least** amount of days that the plural "**days**" can indicate is **two,** implying that one can become a nazirite for a term of two days. Therefore, **the verse states: "He shall be holy, he shall let** the locks of the hair of his head **grow long,"** and **there is no** significant **growth of hair**[N] in **less than thirty** days. This is **the statement of Rabbi Yoshiya.**

רַבִּי יוֹנָתָן אוֹמֵר: אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר ״עַד מְלֹאת הַיָּמִם״. אֵי אֵלּוּ הֵן יָמִים שֶׁצְּרִיכִין לְמַלְאוֹת – הֱוֵי אוֹמֵר שְׁלֹשִׁים.

Rabbi Yonatan says: This proof is **not needed, as** the verse **says: "Until the days are complete." What are the days that require completion? You must say** this is referring to the days of a month. Since a lunar cycle lasts for approximately twenty-nine and a half days, some months are twenty-nine days, whereas full months are **thirty** days. This demonstrates that a term of naziriteship must be at least one month.

מַאי לָאו, רַב מַתָּנָא דְּאָמַר כְּרַבִּי יֹאשִׁיָּה, וּבַר פַּדָּא דְּאָמַר כְּרַבִּי יוֹנָתָן?

The Gemara suggests: **What, is it not** the case that **Rav Mattana said in accordance with** the opinion of **Rabbi Yoshiya,** who derives the minimum length of a term of naziriteship from the phrase "he shall be holy, he shall let his hair grow long," and therefore a term of naziriteship lasts thirty days, **and bar Padda said in accordance with** the opinion of **Rabbi Yonatan,** who derives this *halakha* from the length of a month, and since a month can be twenty-nine days, the minimum length of a term of naziriteship is also twenty-nine days?

אָמַר לָךְ רַב מַתָּנָא: כּוּלֵּי עָלְמָא שְׁלֹשִׁים בָּעֵינַן, וְהָכָא בְּ״עַד״ וְעַד בִּכְלָל פְּלִיגִי. רַבִּי יֹאשִׁיָּה סָבַר: ״עַד״ וְלֹא עַד בִּכְלָל, וְרַבִּי יוֹנָתָן סָבַר: ״עַד״ וְעַד בִּכְלָל.

The Gemara responds: **Rav Mattana** could have **said to you: Everyone**[N] agrees that **we require** a term of naziriteship to last at least **thirty** days, **and here they disagree with regard to** whether "**until**" means **until and including. Rabbi Yoshiya holds** that "**until** the days are complete" indicates that a term of naziriteship must last **until, but not** necessarily **including,** the thirtieth day of a full month. Consequently, he derives the minimum length of a term of naziriteship from the phrase "he shall let the locks of the hair of his head grow long." **And Rabbi Yonatan holds** that the term "**until**" means **until and including** the thirtieth day of a full month, and he derives the minimum length of a term of naziriteship from the phrase "until the days are complete."

NOTES

And if it enters your mind that Rabbi Eliezer holds, etc. – וְאִי סָלְקָא דַּעְתָּךְ סָבַר רַבִּי אֱלִיעֶזֶר וכו׳: The Gemara can be understood as challenging the opinions of both Rav Mattana and bar Padda. According to Rav Mattana, Rabbi Eliezer holds that part of the day is like the entire day. Consequently, Rabbi Eliezer should hold that the nazirite must keep the *halakhot* of naziriteship for only seven more days. According to bar Padda, Rabbi Eliezer holds that part of the day is not like the entire day. Therefore, Rabbi Eliezer should hold that the entire term of naziriteship is negated (*Tosafot*). However, the Meiri explains that this is a question directed solely against Rav Mattana. It is possible that the Meiri had a different version of the Gemara text.

He became impure on the day of the completion, etc. – נִטְמָא בְּיוֹם מְלֹאת וכו׳: This answer apparently adopts the opinion of bar Padda that Rabbi Eliezer denies that part of a day is like the entire day. Conversely, according to Rav Mattana, since Rabbi Eliezer holds that part of a day is like the entire day, the nazirite should not have to keep any additional days of naziriteship. Some explain that according to Rav Mattana, the case is where the individual explicitly stated that his term of naziriteship would last one hundred complete days (*Tosafot*; Rosh). Alternatively, since there is a verse that indicates that one who becomes impure on the day of the completion of his naziriteship must keep an additional thirty days of naziriteship, this applies even according to Rav Mattana, despite the fact that part of a day is like the entire day (*Tosafot*, citing Rabbeinu Peretz).

There is no significant growth of hair, etc. – אֵין גִּידּוּל שֵׂעָר וכו׳: The Rosh explains that Rabbi Yoshiya expounds the verse in precisely the same manner as does Rav Mattana and derives that a significant growth of hair takes thirty days. This is based upon the first part of the verse: "He shall be [*yihye*] holy," as the numerical value of the word *yihye* is thirty (see 5a). However, it is explained in the *Likkutei Halakhot* that the *halakha* is derived from the phrase "let the locks of the hair of his head grow long," and it is logical that this is referring to a period of at least thirty days.

Rav Mattana could have said to you, everyone, etc. – אֲמַר לָךְ רַב מַתָּנָא, כּוּלֵּי עָלְמָא וכו׳: According to bar Padda, however, there is no choice but to say that the minimum term of naziriteship is a matter of dispute between *tanna'im*, and he agrees with the opinion of Rabbi Yonatan (*Tosafot*). The commentaries ask: How can bar Padda agree with Rabbi Yonatan when the latter himself said that the verse is referring to thirty days? Rabbeinu Azriel, cited in *Shita Mekubbetzet*, answers that according to Rabbi Yonatan the nazirite must shave his hair on the thirtieth day, upon the completion of his twenty-nine-day term of naziriteship. Rabbeinu Peretz explains that according to bar Padda's understanding of the opinion of Rabbi Yonatan, the term of naziriteship lasts twenty-nine complete days and continues on the thirtieth day, until the nazirite shaves his hair and brings his offerings (Rabbeinu Peretz).

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אָמַר מָר: אֵי אֵלּוּ הֵן יָמִים שֶׁצְּרִיכִין לְמַלְּאוֹת – הֱוֵי אוֹמֵר שְׁלֹשִׁים. וְאֵימָא שַׁבָּת! שַׁבָּת מִי אִיכָּא חֲסִירוּתָא?

The Gemara now analyzes the *baraita* that cites the opinions of Rabbi Yoshiya and Rabbi Yonatan. **The Master,** Rabbi Yonatan, **said: What are the days that require completion? You must say** this is referring to the **thirty** days of a full month. The Gemara asks: **But say** it is referring to the seven days of **a week.**[N] The Gemara responds: In the case of **a week, is there** ever a week that is **lacking?** All weeks are seven days. Conversely, since some months are twenty-nine days and others are thirty days, it can be said that the thirtieth day completes that which was lacking.

NOTES

But say it is referring to the seven days of a week – וְאֵימָא שַׁבָּת: Since there are six weekdays and then the week is completed by Shabbat, it can be said that a week requires completion (*Tosafot*; Rosh).

Perek **I**
Daf **7** Amud **a**

NOTES

But say it is referring to a year – וְאֵימָא שָׁנָה: The length of a regular year in the Jewish calendar can vary between 353 days and 355 days, depending upon how many months in the year are comprised of twenty-nine or thirty days.

Months are calculated to comprise years – חֳדָשִׁים מְחַשְּׁבִין לִשְׁנִים: *Tosafot* explain that even when the lunar year is lengthened in order to keep it balanced with the solar year, it is one month that is added rather than a particular number of days. Since the verse states: "Until the days are complete," it must be referring to a period of time that is measured in days. Others explain that if one takes a vow for a year, his vow remains in effect until the same day of the same month the following year, regardless of whether this period of time is longer or shorter than the 365 days of a solar year (Rosh; Rashi on *Megilla* 5a).

One short term – אַחַת קְטַנָּה: This can be explained in a manner similar to the Gemara's interpretation of: One long term, i.e., he is referring to the term as short because it is not bothersome for him (*Tosafot*).

This is what he is saying: It is as though this matter of naziriteship were as lengthy, etc. – הָכִי קָאָמַר אֲרִיכָא וכו': *Tosafot* explain that since it takes five hundred years to walk across the world, had the individual intended to become a nazirite for the amount of time it takes to walk across the world, he would have specified five hundred years. Consequently, it is clear that this individual was referring to the level of difficulty involved in his naziriteship. The Rosh maintains that since his statement can be interpreted in multiple ways, the most lenient interpretation is adopted, in accordance with the general principle that one is lenient with regard to naziriteship. It is explained in the *Mishne LaMelekh* that the answer of *Tosafot* is meant to apply even according to Rabbi Shimon, who holds that one must always be stringent with regard to naziriteship.

The commentaries also disagree with regard to the details of the case under discussion. *Tosafot* explain that the individual said: I am herby a nazirite from here until the end of the world. However, it is explained in the Commentary on *Nazir* that this is a case where one said: I am hereby a nazirite for one long term from here until the end of the world. If he did not specify: One long term, he would in fact be a nazirite forever. This issue likely depends on the text of the mishna. According to the version cited in *Tosafot*, the mishna first mentions the case of one who accepts a long term of naziriteship, then the case of one who accepts a short term, and then it mentions one who says he will be a nazirite from now until the end of the world. The version of the text cited in the Commentary on *Nazir* first mentions the case of one who accepts a short term of naziriteship, then the case of one who accepts a long term, and then the case of one who says he will be a nazirite from now until the end of the world.

וְאֵימָא שָׁנָה! מִי מָנֵינַן לְיוֹמֵי? וְהָא רַבָּנַן דְּקֵיסָרִי אָמְרִי: מִנַּיִן שֶׁאֵין מוֹנִין יָמִים לִשָּׁנִים? שֶׁנֶּאֱמַר "לְחָדְשֵׁי הַשָּׁנָה" – חֳדָשִׁים מְחַשְּׁבִין לִשָּׁנִים, וְלֹא יָמִים לִשָּׁנִים.

The Gemara asks further: **But say** it is referring to **a year,**[N] which can also be full or lacking. The Gemara responds: **Do we count** years **by days? Didn't the Sages of Caesarea say: From where** is it derived **that one does not count days toward years,**[H] but that years are calculated according to months? **As it is stated: "Of the months of the year"** (Exodus 12:2). This teaches that **months are calculated to** comprise **years,**[N] **but days are not** counted **toward years.** Therefore, only a month can be described as being completed by a particular day.

מתני' אָמַר "הֲרֵינִי נָזִיר אַחַת גְּדוֹלָה", "הֲרֵינִי נָזִיר אַחַת קְטַנָּה", אֲפִילּוּ "מִכָּאן וְעַד סוֹף הָעוֹלָם" – נָזִיר שְׁלֹשִׁים יוֹם.

MISHNA If **one said: I am hereby a nazirite** for **one long** term, or: **I am hereby a nazirite** for **one short** term,[NH] or **even**[H] if one said: I am hereby a nazirite **from now until the end of the world,** in all these cases he is **a nazirite** for **thirty days.**

גמ' אַמַּאי? וְהָא "מִכָּאן וְעַד סוֹף הָעוֹלָם" קָאָמַר! הָכִי קָאָמַר: אֲרִיכָא לִי הָדָא מִילְּתָא כְּמִכָּאן וְעַד סוֹף הָעוֹלָם.

GEMARA The mishna taught that even one who said: I am hereby a nazirite from now until the end of the world, becomes a nazirite for thirty days. The Gemara asks: **Why** does he become a nazirite for only thirty days? **Didn't he say: From now until the end of the world?** The Gemara answers: **This is what he is saying:** Because of the difficulties it entails, it is as though **this matter** of naziriteship **were as lengthy**[N] **for me as** the time **from now until the end of the world.**

תְּנַן: "הֲרֵינִי נָזִיר מִכָּאן עַד מָקוֹם פְּלוֹנִי" – אוֹמְדִים כַּמָּה יָמִים מִכָּאן וְעַד מָקוֹם פְּלוֹנִי, פָּחוֹת מִשְּׁלֹשִׁים יוֹם – נָזִיר שְׁלֹשִׁים יוֹם, וְאִם לָאו – נָזִיר כְּמִנְיַן הַיָּמִים. וְאֵימָא הָכָא נַמִּי: אֲרִיכָא לִי הָא מִילְּתָא כְּמִכָּאן וְעַד מָקוֹם פְּלוֹנִי!

The Gemara raises a difficulty: **We learned** in the mishna (8a): If one says: **I am hereby a nazirite from here until such and such a place,**[H] **one estimates how many days** it takes to walk **from here until such and such a place.** If it is a distance of **less than thirty days,** he is **a nazirite** for **thirty days,** since this is the minimum term of naziriteship. **And if not,** i.e., if it takes more than thirty days to walk that distance, he is **a nazirite in accordance with the number of days** it takes to walk to that place. **But here too,** in that mishna, **say** that the individual intends to accept only a thirty-day term of naziriteship, and he means to say: **This matter** of naziriteship **is as lengthy for me as** the time it would take me to walk **from here until such and such a place.**

HALAKHA

One does not count days toward years – אֵין מוֹנִין יָמִים לִשָּׁנִים: When the lunar year falls approximately thirty days behind the solar year, the year is declared a leap year. Only a full month may be added to a year to make it a leap year (Rambam *Sefer Zemanim*, *Hilkhot Kiddush HaḤodesh* 1:2).

I am hereby a nazirite for one short term – הֲרֵינִי נָזִיר אַחַת קְטַנָּה: If one specifies that he will be a nazirite for less than thirty days, e.g., he says: I am hereby a nazirite for one day, or: I am hereby a nazirite for ten days, he is a nazirite for thirty days, since the minimum term of naziriteship is thirty days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:2).

Even, etc. – אֲפִילּוּ וכו': Even if one says: I am hereby a nazirite for an extremely long term, he is a nazirite for only thirty days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:1).

I am hereby a nazirite from here until such and such a place, etc. – הֲרֵינִי נָזִיר מִכָּאן עַד מָקוֹם פְּלוֹנִי וכו': If one said: I am hereby a nazirite from here until such and such a place, if he had not yet set out on his journey, then he is a nazirite for thirty days. If he had set out on his journey and the place he mentioned is less than thirty days' walk away, he is a nazirite for thirty days. If the place is farther away than that, he observes one term of naziriteship lasting as long as the number of days of travel (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:5).

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אָמַר רָבָא: שֶׁהֶחֱזִיק בַּדֶּרֶךְ. וְלֵיהֱוֵי כֹּל פַּרְסָה וּפַרְסָה! אֲמַר רַב פַּפָּא: בְּאַתְרָא דְּלָא מָנֵי פַּרְסֵי.

Rava said: That mishna is referring to one **who had** already **set out on the way,**[N] so that it is apparent that his intention is to be a nazirite until he reaches his destination. The Gemara asks: Why is it assumed that he means to accept a single term of naziriteship that is the length of time it takes to travel to a certain destination? **And let each and every parasang** [*parsa*][LN] be understood to refer to a separate term of naziriteship, such that the individual is understood to have accepted a separate term of naziriteship for each parasang that he must travel. **Rav Pappa said:** The mishna deals **with a place where** people **do not measure** distances in **parasangs.**[N]

וְלֵיהֱוֵי כָּל אַוָּונָא וְאַוָּונָא. מִי לָא תְּנַן: ״הֲרֵינִי נָזִיר כַּעֲפַר הָאָרֶץ״ וְ״כְשַׂעַר רֹאשִׁי״ וּ״כְחוֹל הַיָּם״ – הֲרֵי זֶה נָזִיר עוֹלָם, וּמְגַלֵּחַ אֶחָד לִשְׁלֹשִׁים יוֹם.

The Gemara asks further: **And let each and every way station** [*avvana*],[LN] where travelers lodge at night, be understood to refer to a separate term of naziriteship, such that the individual is understood to have accepted a separate term of naziriteship for each station that he passes along the way. **Didn't we learn** in a mishna (8a): If one says: **I am hereby a nazirite like the dust of the earth,**[H] **or: Like the hair of my head, or: Like the sand of the sea, he is a nazirite forever,** as it is understood that he accepted upon himself terms of naziriteship in accordance with the number of his hairs, or grains of dust, or sand, **and he shaves once** every **thirty days?**

כָּל מִילְּתָא דְּאִית בֵּיהּ קִיצּוּתָא לָא קָתָנֵי.

The Gemara responds: **Everything that has a fixed amount is not taught** in this clause, which states that one is a nazirite forever. When one declares that he will be a nazirite for a length of time corresponding to an item that people consider infinite, e.g., the dust of the earth, his intention is not to define the length of a single term of naziriteship, as it is unknown how many grains of dust there are. However, when one mentions something that does have a fixed number, e.g., the number of days it takes to walk to a certain place, his intention is to define the length of a single term of naziriteship.

וְהָתַנְיָא: ״הֲרֵינִי נָזִיר כָּל יְמֵי חַיַּי״, ״הֲרֵינִי נָזִיר עוֹלָם״ – הֲרֵי זֶה נָזִיר עוֹלָם. אֲפִילּוּ ״מֵאָה שָׁנָה״ אֲפִילּוּ ״אֶלֶף שָׁנִים״ – אֵין זֶה נָזִיר עוֹלָם אֶלָּא נָזִיר לְעוֹלָם.

And similarly, **it is taught** in a *baraita*: If one says: **I am hereby a nazirite all the days of my life,**[H] or: **I am hereby a permanent nazirite, he is a permanent nazirite.**[N] However, if he said that he is a nazirite for a fixed period of time, **even** for **one hundred years** or **even** for **one thousand years, he is not a permanent nazirite. Rather,** he is a regular **nazirite forever,** since he will not live long enough to complete his term of naziriteship. This demonstrates that there is a difference between a naziriteship that lasts for a fixed time and a naziriteship that is unlimited.

LANGUAGE

Parasang [*parsa*] – **פַּרְסָא:** This is the word in the ancient world for a Persian mile, a measurement that was adopted in a number of languages, including Greek, Syriac, and in this case, Judeo-Aramaic. The form of the word in this passage comes from Middle Iranian frasax. In the talmudic system of measurement, one *parsa* equals four *mil.*

Way station [*avvana*] – **אַוָּונָא:** This word is of ancient Syriac-Aramaic origin and means a way station or a way-side inn. Some linguists have connected it to the Greek **εὐνή**, *eunē*, meaning a bed or a place to sleep.

HALAKHA

I am hereby a nazirite like the dust of the earth, etc. – **הֲרֵינִי נָזִיר כַּעֲפַר הָאָרֶץ וכו׳:** If one says: I am hereby a nazirite like the dust of the earth, or: Like the hair of my head, or: Like the sand of the sea, it is as though he said: I am obligated in terms of naziriteship corresponding to the number of hairs on my head and the like. Consequently, he must shave his hair and start a new term of naziriteship every thirty days for the rest of his life (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:18).

I am hereby a nazirite all the days of my life – **הֲרֵינִי נָזִיר כָּל יְמֵי חַיַּי:** The Rambam rules that if one says: I am hereby a nazirite forever, or: I am hereby a nazirite all the days of my life, he is a nazirite forever. However, if one specified a fixed period, even if it was a thousand years, he is a nazirite for a fixed period, despite the fact that the term exceeds his life span. It appears that this ruling is based upon a version of the Gemara text that is consistent with the *Tosefta* and the Jerusalem Talmud but is not consistent with the text printed in the Vilna Talmud (*Kesef Mishne*; Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:11; see Meiri and Ra'avad).

NOTES

Who had already set out on the way – **שֶׁהֶחֱזִיק בַּדֶּרֶךְ:** Two explanations are offered in the Commentary on *Nazir*. According to the first opinion, the fact that one has set out on his way proves that he does not consider the journey insurmountable, and it cannot be described as a case where one accepted naziriteship from now until the end of the world. The second explanation, which is also the explanation of *Tosafot* and the Rosh, is that it can be assumed that this person intended to be a nazirite while he was on the road in order to merit divine protection from harm on his travels.

And let each and every parasang – **וְלֵיהֱוֵי כֹּל פַּרְסָה וּפַרְסָה:** The commentaries disagree about which mishna the Gemara is challenging with this question. It is explained in the Commentary on *Nazir* that the Gemara's question pertains to the mishna cited from 8a, which states that the individual is understood to have accepted a single term of naziriteship, whose duration is the number of days it takes to complete the journey he mentioned. *Tosafot* explain that the question pertains to the mishna here, which states that one who accepts naziriteship from now until the end of the world is a nazirite for only thirty days. According to both commentaries, the question is why each parasang is not viewed as representing an independent term of naziriteship. The Meiri mentions both explanations.

The mishna deals with a place where people do not measure distances in parasangs – **בְּאַתְרָא דְּלָא מָנֵי פַּרְסֵי:** According to the opinion that the Gemara's question is referring to the mishna here, the answer is as follows: Since in that place they do not have a definitive method of measuring the distance to the end of the world, he must have accepted upon himself a single term of naziriteship, which feels to him as lengthy as the distance from here until the end of the world (Meiri).

Way station – **אַוָּונָא:** One explanation of this word is that it means a county or district. The Gemara's question is why each county is not counted as a separate unit, which would mean that he has accepted upon himself as many periods of naziriteship as there are counties between the two places he specified (Commentary on *Nazir*). The explanation found in the *Arukh* is that it means a station along the way that serves as an inn for travelers. According to this opinion, the Gemara is saying that the days it would take to get from here to the end of the world can be determined by counting the number of rest stations along the way. The Meiri cites a version of the text in which this question is resolved by the Gemara saying that the reference is to a place where they have no way stations. However, he himself rejects this version.

He is a permanent nazirite – **הֲרֵי זֶה נָזִיר עוֹלָם:** This does not just mean that he is a nazirite forever. He is a particular type of nazirite known as a permanent nazirite (see 4a), like Absalom. This type of nazirite may periodically cut his hair and bring offerings (Rosh; see 4b–5a).

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HALAKHA

I am hereby a nazirite and one day, etc. – הֲרֵינִי נָזִיר וְיוֹם אֶחָד וכו׳: If one says: I am hereby a nazirite and one day, or: I am hereby a nazirite and one hour, or: I am a nazirite for one and a half, he must observe two consecutive terms of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:8).

רַבָּה אָמַר: שָׂאנֵי שְׂעָרוֹת, הוֹאִיל וּמוּבְדָּלוֹת זוֹ מִזּוֹ.

Rabba said another reason for the distinction between one who accepts naziriteship based on the distance between places and one who accepts naziriteship based on the number of hairs on his head or the dust of the earth. **Hairs** are **different, since they are separated from each other.** Consequently, one who says: Like the hair of my head, is referring to distinct terms of naziriteship.

גַּבֵּי יוֹמֵי נַמִּי, הָא כְּתִיב ״וַיְהִי עֶרֶב וַיְהִי בֹּקֶר יוֹם אֶחָד״!

The Gemara asks: **Also with regard to days, isn't it written: "And there was evening and there was morning, one day"** (Genesis 1:5), which indicates that each day is a separate unit? Consequently, one who vows to be a nazirite: From here until such and such a place, should be considered to have accepted upon himself distinct terms of naziriteship corresponding to the number of days it takes to travel to the designated destination.

הָתָם לָאו דְּמִפְסְקִי מֵהֲדָדֵי הוּא. מַאי קָאָמַר – יְמָמָא וְלֵילְיָא חַד יוֹמָא הוּא, וּלְעוֹלָם לָא מִפְסְקִי מֵהֲדָדֵי.

The Gemara answers: The meaning of the verse **there is not that** days **are separated from each other,**[N] because time is continuous. Rather, **what it is saying** is that the period of **day and night is one** calendar **day, but actually** days **are not separate from each other.**

רָבָא אָמַר: לָמָּה לָךְ אַקְשׁוּיֵי כּוּלֵּי הַאי? שָׁאנֵי הָתָם, דְּהָא קָתָנֵי ״הֲרֵינִי נָזִיר אַחַת״.

The discussion above stemmed from the difficulty with the mishna's case where one accepted naziriteship from now until the end of the world. **Rava said: Why** do **you raise all these difficulties? It is different there, as it teaches** that the individual said: **I am hereby a nazirite** for **one** long term.[N] Since he specified that he is accepting one term of naziriteship, his statement is interpreted accordingly and is not interpreted as a reference to multiple terms of naziriteship.

מתני׳ ״הֲרֵינִי נָזִיר וְיוֹם אֶחָד״. ״הֲרֵינִי נָזִיר וְשָׁעָה אַחַת״. ״הֲרֵינִי נָזִיר אַחַת וּמֶחֱצָה״ – הֲרֵי זֶה נָזִיר שְׁתַּיִם.

MISHNA If one said: **I am hereby a nazirite and one day,**[H] or: **I am hereby a nazirite and one hour,** or: **I am hereby a nazirite** for **one and a half, he** becomes **a nazirite** for **two** consecutive terms of naziriteship. When he says: I am hereby a nazirite, he accepts upon himself one thirty-day term of naziriteship. When he subsequently adds an additional amount of time, e.g., an extra day, he thereby accepts upon himself an additional term of naziriteship, and the minimal term of naziriteship is thirty days.

גמ׳ לָמָּה לִי לְמִיתְנָא כָּל הָנֵי? צְרִיכִי, דְּאִי תְּנָא ״הֲרֵינִי נָזִיר וְיוֹם אֶחָד״ – הָכָא הוּא דְּאָמְרִינַן אֵין נְזִירוּת לְיוֹם אֶחָד, אֲמִטו לְהָכִי קָמָנֵי תְּרֵתֵין. אֲבָל ״הֲרֵינִי נָזִיר וְשָׁעָה אַחַת״ – לֵימְנֵי שְׁלֹשִׁים וְאֶחָד יוֹם, קָא מַשְׁמַע לָן.

GEMARA The Gemara asks: **Why do I** need the mishna **to teach all these** cases rather than giving just one example of the mishna's principle? The Gemara explains: All the cases **are necessary, as, if** the mishna had **taught** only the case where one said: **I am hereby a nazirite and one day,** one might have thought: **It is here that we say**[N] that **there is no naziriteship for one day,** and **therefore he must count two** terms of naziriteship. **However,** if he said: **I am hereby a nazirite and one hour, let him count thirty-one days.** The mishna therefore **teaches us** that even in this latter case he must keep two terms of naziriteship.

NOTES

The meaning of the verse there is not that days are separated from each other – הָתָם לָאו דְּמִפְסְקִי מֵהֲדָדֵי הוּא: In other words, although the verse is referring to an evening and morning as "one day," this does not mean that days are divided from one another. Rather, the verse marks a period of time as a calendar day, although night and day merge into one another without any clear demarcation (Commentary on *Nazir*). The Maharatz Ḥayyut adds that in actual fact, the days on earth are not separated from each other, because when it is night in one place it remains daytime elsewhere.

As it teaches that the individual said, I am hereby a nazirite for one long term – דְּהָא קָתָנֵי הֲרֵינִי נָזִיר אַחַת: Although the word one appears in the mishna only in the cases of one who accepts one long term or one short term, it is understood that this word is also included in the case where one declares himself a nazirite from now until the end of the world (*Tosafot*). Consequently, it is clear that the individual intended to accept a single term of naziriteship rather than multiple terms. Had he simply said: I am hereby a nazirite from now until the end of the world, he might be understood to be accepting many terms of naziriteship. This is explained similarly in the Jerusalem Talmud.

It is here that we say – הָכָא הוּא דְּאָמְרִינַן: When he said: I am hereby a nazirite, he accepted upon himself a standard thirty-day term of naziriteship. When he then said: And a day, he intended to accept an additional one-day term of naziriteship. However, since the minimal term of naziriteship is thirty days, he must keep the second term for thirty days. Conversely, if he said: I am hereby a nazirite and one hour, since terms of naziriteship are not measured in hours, it is not clear that he meant to add a separate term of naziriteship. He may have intended to accept a single term of naziriteship for thirty days and part of the thirty-first day, in which case he should have to keep a thirty-one-day term of naziriteship, as naziriteship does not end in the middle of a day (Rosh). The author of *Birkat Rosh* explains that since, in practice, one must continue to observe the restrictions of naziriteship until he brings his offerings on the day following the conclusion of his term of naziriteship, when one says: I am hereby a nazirite and one hour, he may have been referring to the time before he brings his offerings on the day following his term of naziriteship.

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וְאִי תְּנָא ״שָׁעָה אַחַת״ – מִשּׁוּם דְּלָא נָחֵית לְדַוְקָא, אֲבָל ״אַחַת וּמֶחֱצָה״ דְּנָחֵית לְדַוְקָא – אֵימָא לָא לִימְנֵי תַּרְתֵּי, קָמַשְׁמַע לָן: כּוּלְּהוּ נָזִיר שְׁתַּיִם.

And if the mishna **taught** only the case where one said: I am hereby a nazirite and **one hour,** one might have said that he is obligated in two periods of naziriteship **because he did not go into specific detail** [***davka***].[LN] He merely stated that he accepts upon himself some part of a second term of naziriteship, and therefore he must observe a full second term of naziriteship. **However,** in the case of one who says he will be a nazirite for **one and a half, where** he **does go into specific detail,** one might **say he should not** have to **count two** full terms of naziriteship but rather forty-five days of naziriteship. The mishna therefore **teaches us** that in **all these** cases **he is a nazirite** for **two** full terms of naziriteship.

מתני׳ ״הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם וְשָׁעָה אַחַת״ – נָזִיר שְׁלֹשִׁים וְאֶחָד יוֹם, שֶׁאֵין נְזִירוּת לְשָׁעוֹת.

MISHNA One who says: **I am hereby a nazirite** for **thirty days and one hour,**[HN] becomes **a nazirite** for **thirty-one days, as there is no naziriteship for hours** but only for full days.

גמ׳ אָמַר רַב: לֹא שָׁנוּ אֶלָּא דְּאָמַר ״שְׁלֹשִׁים וְאֶחָד יוֹם״ אֲבָל אָמַר ״שְׁלֹשִׁים [יוֹם] וְיוֹם אֶחָד״ – נָזִיר שְׁתַּיִם.

GEMARA **Rav said: They taught** that he is a nazirite for thirty-one days **only**[N] **when he said: Thirty-one days.**[HN] **But** if **he said: Thirty days and one day,**[H] he is **a nazirite** for **two** terms of naziriteship, since the thirty days are considered one term of naziriteship, and the additional day is the start of an additional term.

LANGUAGE

Specific detail [*davka*] – דַּוְקָא: From the root *dalet*, *vav*, *kuf* or *dalet*, *yud*, *kuf*, meaning to be precise. Sometimes *davka* means: It is exactly that way and is not to be changed. At other times, as here, it indicates that something has been ascertained or expressed precisely, intentionally.

HALAKHA

I am hereby a nazirite for thirty days and one hour – הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם וְשָׁעָה אַחַת: If one says: I am hereby a nazirite for thirty days and one hour, he is a nazirite for thirty-one days, since naziriteship does not take effect when established in terms of hours rather than days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:4).

When he said thirty-one days – דְּאָמַר שְׁלֹשִׁים וְאֶחָד יוֹם: If one vowed to be a nazirite for longer than thirty days, e.g., he said: I am hereby a nazirite for thirty-one days, he is a nazirite for the period specified (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:3).

He said thirty days and one day – אָמַר שְׁלֹשִׁים יוֹם וְיוֹם אֶחָד: One who said: I am hereby a nazirite for thirty days and one day, is a nazirite for one term of naziriteship lasting thirty-one days. The *halakha* is not in accordance with Rav (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:8).

NOTES

He did not go into specific detail – לָא נָחֵית לְדַוְקָא: In other words, his statement was not precise, since naziriteship does not take effect for hours (Commentary on *Nazir*). Alternatively, since he specified a term that is halakhically infeasible, there is no choice but to add on to his words and say he vowed an additional term of naziriteship (*Tosafot*).

Thirty days and one hour – שְׁלֹשִׁים יוֹם וְשָׁעָה אַחַת: The mishna employed this specific example because the last case in the previous mishna was about one who accepted the obligation to become: A nazirite and one hour, and the *tanna* wanted to stress that if he adjusted his wording and said: Thirty days and one hour, he is a nazirite for thirty-one days. The same is true if he said: Thirty and one days, rather than: I am hereby a nazirite and one day (*Tosafot*). As for the reason for this difference, the commentaries explain that when one says: I am hereby a nazirite, he has accepted a thirty-day term of naziriteship. When he then adds extra time, he thereby adds an additional term of naziriteship. Conversely, one who says: Thirty days and one hour, has merely accepted a term of naziriteship that is longer than thirty days. Since a term of naziriteship cannot include a part of a day, he is a nazirite for thirty-one days (Rabbeinu Peretz; Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

Rav said, they taught that he is a nazirite for thirty-one days only, etc. – אָמַר רַב, לֹא שָׁנוּ אֶלָּא וכו׳: Rav's statement is also cited in the Jerusalem Talmud, where his opinion is rejected based on a *baraita* that explicitly states that in this case Rabbi Akiva and Rabbi Yishmael agree that only one term of naziriteship takes effect. The two disagree only with regard to one who says: I am hereby a nazirite for thirty days and one more day, in which case Rabbi Akiva holds that two periods of naziriteship take effect.

When he said thirty-one days – דְּאָמַר שְׁלֹשִׁים וְאֶחָד יוֹם: Rav clearly did not mean to say that these were his exact words, as the mishna states that this is a case where he said: Thirty days and one hour. The point is that his statement is understood as though he said: Thirty-one days (Rosh). *Tosafot* explain that the case in the mishna is similar to one of the cases in the mishna on 7a, and it can be inferred that in a case where one said: Thirty-one days, which is a different formulation of one of the other cases in the mishna on 7a, one would also observe only one term of naziriteship. According to the text in the Radbaz's version of the Gemara, however, the mishna here explicitly states that if one says: I am hereby a nazirite for thirty days and one day, he is a nazirite for one term of thirty-one days. Another version of the text, cited in the Meiri, reads: They taught this only with regard to one who said: Thirty and one hour, but if he said: Thirty days and one hour, he is obligated in two terms of naziriteship.

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BACKGROUND

Cistern – דוּת: A cistern is a place built for gathering water or produce. A pit and cistern have the same purpose, but a cistern is a structure built from stones above the ground, whereas a pit is dug into the earth or rock.

רַב סָבַר לָהּ כְּרַבִּי עֲקִיבָא, דְּדָרֵישׁ לִישָׁנָא יְתֵירָא.

The Gemara comments: In this regard, **Rav holds in accordance with** the opinion of **Rabbi Akiva, who derives** meaning from **superfluous language.**[N] Rabbi Akiva believes that if one uses unnecessary words, it is inferred that he intended to add something. In this case, since the individual said: Thirty days and one day, without combining them into one amount, he intended to accept an additional term of naziriteship.

דְּתָנַן: לֹא אֶת הַבּוֹר וְלֹא אֶת הַדּוּת, אַף עַל פִּי שֶׁכָּתַב לוֹ "עוּמְקָא וְרוּמָא". וְצָרִיךְ לִיקַּח לוֹ דֶּרֶךְ, דִּבְרֵי רַבִּי עֲקִיבָא.

As we learned in a mishna (*Bava Batra* 64a): According to Rabbi Akiva, if one sold his house to another without specification, he has sold **neither the pit nor the cistern** [*dut*][B] with it, **although he wrote to him** in the document of sale: With **its depth and its height.**[H] This is because anything that is not part of the house, e.g., pits and cisterns, must be explicitly mentioned in the contract. **And** the seller **must purchase a path**[NH] through the property he sold along with the house in order to reach the pit or cistern that he kept for himself. This is **the statement of Rabbi Akiva.**

וַחֲכָמִים אוֹמְרִים: אֵינוֹ צָרִיךְ לִיקַּח לוֹ דֶּרֶךְ. וּמוֹדֶה רַבִּי עֲקִיבָא בִּזְמַן שֶׁאָמַר לוֹ "חוּץ מֵאֵלּוּ" שֶׁאֵינוֹ צָרִיךְ לִיקַּח לוֹ דֶּרֶךְ.

And the Rabbis say: He does not need to purchase a path, as it is assumed that just as he maintained his rights to the pit or cistern, he also maintained the right to walk through the rest of the property in order to access the pit or cistern. **And Rabbi Akiva concedes that when he says to him** in the document of sale: **Apart from these,**[H] i.e., the pit and cistern, **that he does not need to purchase a path.** Rabbi Akiva's reasoning is this: Since the seller unnecessarily stressed that the pit and cistern are not included in the sale, he must have intended to thereby reserve for himself the right of access. This proves that, according to Rabbi Akiva, if one adds a superfluous clause he must have had a specific meaning in mind, and something must be derived from his statement. Rav follows a similar line of reasoning with regard to the case of a nazirite.

NOTES

Who derives meaning from superfluous language – דְּדָרֵישׁ לִישָׁנָא יְתֵירָא: The Rosh explains that Rabbi Akiva is not alone in this opinion, as even the Rabbis, who disagree with Rabbi Akiva in the case of a pit and cistern, accept this principle. They simply do not apply the principle to that particular case because they assume that a seller does not want to include in the sale anything he did not explicitly mention. The Gemara attributes to Rabbi Akiva the principle of deriving meaning from superfluous language only because he clearly applies this principle in the case mentioned. Consequently, Rav can be presented as accepting this principle despite the fact that he does not apply it to the case of the pit and cistern, with regard to which he rules in accordance with the Rabbis.

However, Rabbi Avraham min HaHar contends that the Rabbis disagree with Rabbi Akiva with regard to the legitimacy of expounding superfluous language, and the *halakha* is in accordance with their opinion and not the opinion of Rabbi Akiva and Rav. The Rambam rules in accordance with Rabbi Akiva concerning a sale but rules against Rav's opinion in the case of a nazirite. The Meiri explains that, according to the Rambam, Rabbi Akiva might not agree with Rav's ruling here. This is because in the case of a sale the words are clearly superfluous, which is not true in the case of the nazirite. Alternatively, it can be explained that the Rambam follows the ruling of the Jerusalem Talmud, in which Rav's opinion is rejected. As a general rule, whenever the Babylonian Talmud does not provide a clear halakhic ruling, the Rambam follows the Jerusalem Talmud.

And the seller must purchase a path – וְצָרִיךְ לִיקַּח לוֹ דֶּרֶךְ: The Gemara in *Bava Batra* (64b) explains that Rabbi Akiva holds that it may be assumed that a seller is generous and includes all rights to the property he sells, except where the contract stipulates otherwise. Consequently, one who sells his property has not maintained for himself even the right to pass through it in order to draw water from his pit, and he must purchase this right or otherwise obtain permission to pass through from the buyer. The Rabbis, however, hold that it may be assumed that a seller intends to retain all rights that he does not explicitly agree to relinquish.

HALAKHA

Although he wrote to him, with its depth and its height – אַף עַל פִּי שֶׁכָּתַב לוֹ עוּמְקָא וְרוּמָא: One who sells a house without specification has not sold the pit or cistern that is there, even if he wrote in the document of sale: With its depth and height (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 25:2; *Shulḥan Arukh*, *Ḥoshen Mishpat* 214:2).

And the seller must purchase a path – וְצָרִיךְ לִיקַּח לוֹ דֶּרֶךְ: One who sells a house without specification retains the pit or cistern that is there, but he must purchase the right of access to them from the buyer if he wishes to use them. He is not considered to have reserved a path for himself so that he can gain access to them. The *halakha* is in accordance with Rabbi Akiva's opinion that a seller acts generously, as concluded by the Gemara in *Bava Batra* 65a (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 25:4; *Shulḥan Arukh*, *Ḥoshen Mishpat* 214:2; 215:5).

When he says to him, apart from these – בִּזְמַן שֶׁאוֹמֵר לוֹ, חוּץ מֵאֵלּוּ: If one sold his house and specified that he was not selling the pit and cistern, he does not have to purchase access to the pit and cistern from the buyer (Rambam *Sefer Kinyan*, *Hilkhot Mekhira* 25:3; *Shulḥan Arukh*, *Ḥoshen Mishpat* 214:2, 215:5).

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מתני׳ ״הֲרֵינִי נָזִיר כִּשְׂעַר רֹאשִׁי״. וְ״כַּעֲפַר הָאָרֶץ״ וְ״כְּחוֹל הַיָּם״ – הֲרֵי זֶה נָזִיר עוֹלָם, וּמְגַלֵּחַ אַחַת לִשְׁלֹשִׁים יוֹם.

MISHNA If one says: **I am hereby a nazirite like the hair of my head,**[H] **or: Like the dust of the earth, or: Like the sand of the sea, he is a nazirite forever.** He has accepted a separate term of naziriteship for every hair or particle of dust or sand, which in practice means that he will be a nazirite forever. **And** he **shaves** his hair **once** every **thirty days.**

רַבִּי אוֹמֵר: אֵין זֶה מְגַלֵּחַ אַחַת לִשְׁלֹשִׁים יוֹם. וְאֵיזֶהוּ מְגַלֵּחַ אַחַת לִשְׁלֹשִׁים – הָאוֹמֵר ״הֲרֵי עָלַי נְזִירוֹת כִּשְׂעַר רֹאשִׁי״, וְ״כַּעֲפַר הָאָרֶץ״ וְ״כְּחוֹל הַיָּם״.

Rabbi Yehuda HaNasi **says: This** nazirite **does not shave** his hair **once** every **thirty days,**[N] as he has accepted upon himself one long term of naziriteship lasting for as many days as there are hairs or particles of dust or sand. **And who is** the nazirite who **shaves** his hair **once** every **thirty** days? One **who says: It is hereby** incumbent **upon me** to observe **naziriteships like the hair of my head, or: Like the dust of the earth, or: Like the sand of the sea.** Since he used the plural term naziriteships, it is clear that he is accepting distinct terms of naziriteship.

״הֲרֵינִי נָזִיר מְלֹא הַבַּיִת״ אוֹ ״מְלֹא הַקּוּפָּה״ – בּוֹדְקִין אוֹתוֹ. אִם אָמַר: אַחַת גְּדוֹלָה נָזַרְתִּי – נָזִיר שְׁלֹשִׁים יוֹם. וְאִם אָמַר: סְתָם נָזַרְתִּי – רוֹאִין אֶת הַקּוּפָּה כְּאִילּוּ הִיא מְלֵאָה חַרְדָּל, וְנָזִיר כָּל יָמָיו.

If one says: **I am hereby a nazirite** in accordance with **the capacity of the house,**[HN] **or: The capacity of the basket, one checks** with **him**[N] what he had in mind. **If he said:** My intention was to **take a nazirite vow** for **one long** term of naziriteship, he is **a nazirite** for only **thirty days,** in accordance with the ruling of the mishna that the words long or short are of no account when used in a nazirite vow (7a). **And if he said: I took a nazirite vow without specification,**[N] it is assumed that he meant to accept upon himself terms of naziriteship corresponding to the number of items that fit into the basket, and the smallest items normally placed in baskets are used for this evaluation. Consequently, one **views the basket as though** it were **full of mustard**[B] seeds, which are extremely small, **and he is a nazirite** for **his entire life.**

BACKGROUND

Mustard – חַרְדָּל: Mustard is produced from several plants, including the white mustard plant, *Sinapis nigra*, and the black mustard plant, *Brassica nigra*. Often, seeds from different plants are mixed together. These plants all come from the Brassicaceae family and grow wild in Eretz Yisrael. Black mustard has tangled branches and grows in bunches of large, crowded flowers. The condiment mustard is produced from its seeds. Black mustard is the largest plant in the Brassicaceae family, normally reaching anywhere from 0.5–2 m in height, and in some uncommon cases growing to up to 5 m. Mustard seeds are small, around 1.5–2 mm in width, and they are therefore used as an example of something very small, as in the Gemara here.





Above: White mustard plant
Left: Black mustard plant



Seeds of black and white mustard plants

HALAKHA

I am hereby a nazirite like the hair of my head, etc. – הֲרֵינִי נָזִיר כִּשְׂעַר רֹאשִׁי וכו׳: One who says: I am hereby a nazirite like the hair of my head, or: Like the dust of the earth, is considered to have accepted upon himself terms of naziriteship corresponding to the number of hairs on his head. He must therefore shave his hair and bring offerings every thirty days for the rest of his life (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:18).

I am hereby a nazirite in accordance with the capacity of the house, etc. – הֲרֵינִי נָזִיר מְלֹא הַבַּיִת וכו׳: If one says: I am hereby a nazirite in accordance with the capacity of the house, or: In accordance with the capacity of the basket, he is asked to clarify what he meant. If he explains that he meant to accept one term of naziriteship, he is a nazirite for thirty days. If he says he vowed to be a nazirite without any specific intention, the basket is seen as though it were full of mustard seeds, and consequently he is a nazirite forever and cuts his hair once every twelve months. This is in accordance with the decision cited in the Jerusalem Talmud (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:17).

NOTES

This nazirite does not shave his hair once every thirty days – אֵין זֶה מְגַלֵּחַ אַחַת לִשְׁלֹשִׁים יוֹם: The commentaries disagree as to the status of this individual according to Rabbi Yehuda HaNasi. Some say he has the status of a permanent nazirite, who trims his hair and brings offerings once every twelve months (Rambam's Commentary on the Mishna; Meiri). This is the explanation cited in the Jerusalem Talmud. Others maintain that according to Rabbi Yehuda HaNasi, his status is like one who accepts a one-hundred-year term of naziriteship (see 7a), and he may never cut his hair (Commentary on *Nazir*; *Tosafot*; Rosh).

The capacity of the house – מְלֹא הַבַּיִת: The refers to the capacity of a house or a basket that is currently empty (*Tosafot*). If the house or basket was filled with items, he would be obligated to observe a term of naziriteship for each item in the house or basket.

One checks with him, etc. – בּוֹדְקִין אוֹתוֹ וכו׳: Rabbeinu Todros, cited in *Shita Mekubbetzet*, asks why one checks with the individual in this case but not in the first case in the mishna, where one accepted naziriteship like the hairs of his head. Is it not possible that in the earlier case as well, one intended to accept a single term of naziriteship that seemed large and daunting to him? He answers that a basket is a single unit, and therefore the intention must be clarified. Conversely, the hairs on one's head are many separate units, and therefore one who uses this language has accepted many terms of naziriteship.

I took a nazirite vow without specification – סְתָם נָזַרְתִּי: The Rosh explains that he says that he had no particular intention in mind and relied on the Sages to clarify his statement (see *Tosefot Yom Tov*).

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HALAKHA

I am hereby a nazirite from here until such and such a place – הֲרֵינִי נָזִיר מִכָּאן עַד מָקוֹם פְּלוֹנִי: If one said: I am hereby a nazirite from here until such and such a place, if he has not yet set out on his way, then he is a nazirite for thirty days. If he has set out on his journey and the place is less than thirty days' walk away, he is a nazirite for thirty days. If the place is farther away than that, he observes one term of naziriteship lasting as long as the number of days of travel remaining on his journey. This is in accordance with the explanation cited in the Gemara on 7a (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:5).

I am hereby a nazirite in accordance with the number of days in a solar year – הֲרֵינִי נָזִיר כְּמִנְיַן יְמוֹת הַחַמָּה: If one says: I am hereby a nazirite in accordance with the number of days in a year, he must observe 354 terms of naziriteship, each lasting thirty days. This corresponds to the number of days of a non-leap year in the Jewish calendar, as that is what people generally mean when they refer to a year. However, if one explicitly referred to a solar year, he must observe 365 terms of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:7).

On the condition that this pile will be found to contain one hundred *kor* – עַל מְנָת שֶׁיִּהְיֶה בִּכְרִי זֶה מֵאָה כּוֹר: If one says: I am a nazirite if this pile will be found to contain at least one hundred *kor*, and it turns out that the pile has been stolen or lost and cannot be measured, he is not a nazirite. A case of uncertain naziriteship is treated leniently, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:9).

״הֲרֵינִי נָזִיר מִכָּאן עַד מָקוֹם פְּלוֹנִי״ – אוֹמְדִין כַּמָּה יָמִים מִכָּאן עַד מָקוֹם פְּלוֹנִי, אִם פָּחוֹת מִשְּׁלֹשִׁים יוֹם – נָזִיר שְׁלֹשִׁים יוֹם, וְאִם לָאו – נָזִיר כְּמִנְיַן הַיָּמִים.

If one says: **I am hereby a nazirite from here until such and such a place,**[H] **one estimates how many days** it takes to walk **from here until such and such a place. If** it is **less than thirty days,** he is **a nazirite** for **thirty days,** since this is the minimum term of naziriteship. **And if not,** i.e., if it takes more than thirty days to walk that distance, he is **a nazirite in accordance with the number of days** it takes to walk to that place.

״הֲרֵינִי נָזִיר כְּמִנְיַן יְמוֹת הַחַמָּה״ – מוֹנֶה נְזִירוֹת כְּמִנְיַן יְמוֹת הַחַמָּה. אָמַר רַבִּי יְהוּדָה: מַעֲשֶׂה הָיָה, בֵּיָן שֶׁהִשְׁלִים – מֵת.

If one says: **I am hereby a nazirite in accordance with the number of days** in a **solar** year,[H] he **counts** 365 consecutive **naziriteships, in accordance with the number of days** in **a solar** year. **Rabbi Yehuda said: There was an incident** where someone took this vow and observed 365 consecutive terms of naziriteship. **Once he completed** all these terms of naziriteship, **he died.**[N]

גמ׳ ״רוֹאִין אֶת הַקּוּפָּה כְּאִילּוּ מְלֵאָה חַרְדָּל וְנָזִיר כָּל יָמָיו״. וְאַמַּאי? וְלִיחֲזְיֵהּ כְּאִילּוּ מְלֵאָה קִישּׁוּאִין וּדְלוּעִין, וְתֶיהֱוֵי לֵיהּ תַּקָּנְתָּא!

GEMARA The mishna taught that if one said: I am hereby a nazirite in accordance with the capacity of the basket, and he did not specifically intend to accept one term of naziriteship, one **views the basket as though** it were **full of mustard** seeds, **and he is a nazirite** for **his entire life.** The Gemara asks: **But why** does one view the basket as though it were full of mustard seeds? **Let us view it as though** it were **full of cucumbers**[N] **or gourds,** which are much larger. The basket would consequently hold fewer of them, **and there would be a remedy for him,** i.e., he would be able to complete his terms of naziriteship and resume living as a non-nazirite.

אָמַר חִזְקִיָּה: בְּמַחֲלוֹקֶת שְׁנוּיָה, וְרַבִּי שִׁמְעוֹן הִיא, דְּאָמַר: אָדָם מַכְנִיס אֶת עַצְמוֹ לְדָבָר שֶׁסְּפֵיקוֹ חָמוּר מִוַּדַּאי.

In response to this question, **Ḥizkiyya said:** This issue **is taught** as **a dispute** between *tanna'im*, **and** the mishna **is** in accordance with the opinion of **Rabbi Shimon, who said: A person places himself**[N] **in a state where** the resulting **uncertainty is more stringent than** if there were **certainty,**[N] i.e., an individual willingly accepts conditions that are ambiguous although this may cause him to have to keep more stringent *halakhot* if the uncertainty is not clarified.

דְּתַנְיָא: ״הֲרֵינִי נָזִיר עַל מְנָת שֶׁיִּהְיֶה בִּכְרִי זֶה מֵאָה כּוֹר״ וְהָלַךְ וּמְצָאוֹ שֶׁגְּנָבַב אוֹ שֶׁאָבַד, רַבִּי שִׁמְעוֹן אוֹסֵר, שֶׁסְּפֵק נְזִירוּת לְהַחְמִיר.

This is **as it is taught** in a *baraita*: With regard to one who says: **I am hereby a nazirite on the condition that this pile** of grain **will be** found to contain at least **one hundred *kor*,**[H] **and he went** to measure the pile **and found that it was stolen**[N] **or lost,** making it impossible to determine whether it contained one hundred *kor*, **Rabbi Shimon prohibits** him to drink wine or cut his hair, **as** he holds that in a case of **uncertain naziriteship** one is required **to** act **stringently.** Similarly, in the case in the mishna, since it is not known whether one intended to accept naziriteship according to the number of mustard seeds in the basket or according to the number of gourds there, he must act stringently.

NOTES

Once he completed all these terms of naziriteship he died – כֵּיָן שֶׁהִשְׁלִים מֵת: Rabbi Yehuda HaNasi is cited in the Jerusalem Talmud as explaining that the individual was blessed with a long life so that he could complete his terms of naziriteship.

As though it were full of cucumbers – כְּאִילּוּ מְלֵאָה קִישּׁוּאִין: *Tosafot* point out that the Gemara could have said: Full of dough, or any other substance that would fill the basket entirely. They explain that since the mishna mentioned mustard seeds, the Gemara gives an example involving larger produce, but the question allows for the possibility that one be obligated in only one term of naziriteship as well (see *Keren Ora*).

A person places himself, etc. – אָדָם מַכְנִיס אֶת עַצְמוֹ וכו׳: Naziriteship is accepted with a vow, and there is a principle with regard to vows that when the vow is expressed ambiguously, it is interpreted based upon the intentions of the individual who took the vow. The dispute between Rabbi Shimon and Rabbi Yehuda is about whether the speaker meant to take the vow even when it was impossible to determine some details pertaining to the vow, and this lack of certainty entails stringency, or if it is assumed that he certainly did not intend to accept the vow under these circumstances. In the *Tosefta*, it is explained that they differ with regard to whether one who unwittingly takes a nazirite vow must observe naziriteship. Rabbi Shimon maintains that such a naziriteship takes effect, whereas Rabbi Yehuda believes that a mistaken naziriteship does not take effect.

Where the resulting uncertainty is more stringent than if there were certainty – שֶׁסְּפֵיקוֹ חָמוּר מִוַּדַּאי: One explanation of this phrase, as it applies to the case in the mishna, is that the stringency arises because of the ambiguous statement. Had he been clearer, he would be obligated to be a nazirite only for the duration that he explicitly stated (Rabbi Avraham min HaHar). However, most early commentaries explain that since it is unclear how many terms of naziriteship he intended to accept, once he has completed terms of naziriteship corresponding to the number of cucumbers or gourds that could fit into the house or basket, he has the status of an uncertain nazirite. The *halakhot* that apply to an uncertain nazirite are more stringent than those that apply to one who definitely accepted terms of naziriteship according to the number of mustard seeds that can fit into the house or basket. If he was a definite nazirite, he would shave his hair and bring offerings every thirty days. An uncertain nazirite can never shave his hair, due to the prohibition against rounding off the corners of the head, which he would transgress if he was not really a nazirite (Meiri). He is also unable to bring the offerings of a nazirite, in case he is not a nazirite and will thereby be bringing non-consecrated animals into the Temple courtyard. He cannot even bring the offerings on a voluntary basis since they include a sin-offering, which cannot be brought on a voluntary basis.

And he went and found that it was stolen – וְהָלַךְ וּמְצָאוֹ שֶׁגְּנָבַב: In this case, the individual's uncertain status as a nazirite requires him to act more stringently than if he were certainly a nazirite. Due to the possibility that he is not a nazirite, he cannot bring the offerings a nazirite must bring at the conclusion of his term of naziriteship. However, due to the possibility that he is a nazirite, he cannot cut his hair or drink wine without having brought the offerings. Therefore, he must refrain from cutting his hair and drinking wine indefinitely. The solution for such an individual is to state: If I am not a nazirite due to my previous statement, I hereby accept naziriteship. That would cause him to certainly be a nazirite, and thirty days later he may bring the offerings and conclude his naziriteship. However, if he became impure due to a corpse before he made the second statement, he cannot bring the offerings of an impure nazirite and must observe the restrictions of naziriteship indefinitely (*Tosafot*; Rosh).

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רַבִּי יְהוּדָה מַתִּיר, שֶׁפָּקַק נְזִירוּת לְהָקֵל.

Conversely, **Rabbi Yehuda permits** him to drink wine or cut his hair, **as** he holds that in a case of **uncertain naziriteship** one is permitted **to** act **leniently.** The naziriteship does not take effect, since the pile might have contained less than one hundred *kor*.

רַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ תֵּימָא רַבִּי יְהוּדָה, הָתָם – לָא נָחֵית לֵיהּ לִנְזִירוּת, הָכָא – נָחֵית לֵיהּ לִנְזִירוּת, בְּמַאי לְסַלּוּקֵיהּ מִינֵּיהּ!

Rabbi Yoḥanan said: You can **even say** that the mishna is in accordance with the opinion of **Rabbi Yehuda** because the cases in the mishna and in the *baraita* are not comparable. **There,** in the case discussed in the *baraita*, **he does not** necessarily even **enter** a state of **naziriteship,**[N] as it is unclear whether the pile contained a *kor* of grain. Consequently, he retains his previous status and is not considered a nazirite. Conversely, in the case discussed **here** in the mishna, **he** certainly **enters** a state of **naziriteship,** since he undoubtedly vowed to be a nazirite for some period of time. Consequently, **how** is it possible **to remove** the state of naziriteship **from him** when it is uncertain when his terms end? Therefore, even Rabbi Yehuda would agree that he remains a nazirite indefinitely.

אַמַּאי לָא? לִיחֲזֵיהּ לַקּוּפָּה כְּאִילּוּ מְלֵאָה קִישּׁוּאִין וּדְלוּעִין, וְתֵיהֲוֵי לֵיהּ תַּקָּנְתָּא, הָא סָלְקָא דַּעְתִּין נְזִירוֹת הוּא דְּקַבִּיל עִילָּוֵיהּ!

The Gemara asks: **Why** is it **not** possible to remove from him the status of naziriteship? **Let us view the basket as though** it were **full of cucumbers or gourds,** as he has accepted at least as many terms of naziriteship as the number of cucumbers or gourds that can fit in the basket, **and** in this way **there will be a remedy for him. It entered our minds**[N] to say that **it is** distinct **naziriteships that he accepted upon himself,** and so once he has completed the minimal number of naziriteships, he should no longer be considered a nazirite unless it can be determined that he accepted more than this number of terms of naziriteship.

NOTES

He does not necessarily even enter a state of naziriteship – לָא נָחֵית לֵיהּ לִנְזִירוּת: Since it is uncertain whether or not he accepted naziriteship, he is not considered a nazirite. This is because it is assumed that he did not want to enter into naziriteship with an ambiguous statement (Rosh). Rabbeinu Peretz explains that the speaker merely stated his intention to clearly accept naziriteship upon measuring the pile. Rabbeinu Azriel, cited in *Shita Mekubbetzet*, explains that since he was not yet a nazirite when he made his statement, he is presumed to maintain his prior status until it can be proven otherwise. In the case in the mishna, however, one certainly accepted naziriteship and the question pertains to the number of terms he accepted. Consequently, he must remain a nazirite until it is clear that his terms are complete.

It entered our minds, etc. – הָא סָלְקָא דַּעְתִּין וכו׳: *Tosafot* and Rabbeinu Peretz explain that this sentence concludes the Gemara's question and is read as follows: Since the individual has accepted a separate term of naziriteship for each item that can fit into the house or basket, once he has observed a single term, he brings the offerings for concluding that term. At that point, since it is not clear whether he accepted additional terms, Rabbi Yehuda should exempt him from naziriteship, just as he is quoted in the *baraita* as exempting one who never clearly accepted naziriteship. According to this explanation, the wording of the Gemara at the beginning of the following page must be adjusted slightly. Alternatively, it is explained in the Commentary on *Nazir* that this statement is the start of the Gemara's answer and is read as follows: The speaker did not accept separate terms of naziriteship, as Rabbi Yehuda agrees with Rabbi Yehuda HaNasi that he has accepted one long term of naziriteship. Consequently, since it is unclear when that term ends, he can never bring the offerings brought at the conclusion of naziriteship and he must observe the restrictions of naziriteship indefinitely. According to this explanation, the wording of the Gemara here must be adjusted slightly.

Perek **I**
Daf **8** Amud **b**

דְּרַבִּי יְהוּדָה סָבַר לָהּ כְּרַבִּי. דִּתְנַן, רַבִּי אוֹמֵר: אֵין זֶה מְגַלֵּחַ אֲחַת לִשְׁלֹשִׁים יוֹם. וְאֵיזֶהוּ שֶׁמְּגַלֵּחַ אֲחַת לִשְׁלֹשִׁים יוֹם – הָאוֹמֵר ״[הֲרֵי] עָלַי נְזִירוֹת כְּשֵׂעָר רֹאשִׁי״ וְ״כַּעֲפַר הָאָרֶץ״ וּ״כְּחוֹל הַיָּם״.

The Gemara answers: This is not possible, **as Rabbi Yehuda holds in accordance with** the opinion of **Rabbi** Yehuda HaNasi, **as we learned** in the mishna (8a) with regard to one who vows: I am hereby a nazirite like the hair of my head, **Rabbi** Yehuda HaNasi **says: This** nazirite **does not shave** his hair **once** every **thirty days,** as he is considered to have accepted one long term of naziriteship. **And who is** the nazirite **who** has accepted distinct terms of naziriteship and therefore **shaves** his hair **once** every **thirty days?** One **who says: It is** incumbent **upon me** to observe **naziriteships like the hair of my head, or: Like the dust of the earth, or: Like the sand of the sea.** Since Rabbi Yehuda agrees with Rabbi Yehuda HaNasi, he holds that one who uses a formulation similar to that used in the first case in the mishna and says: I am hereby a nazirite according to the capacity of the basket, has accepted one long term of naziriteship.

וְרַבִּי יְהוּדָה מִי סָבַר לָהּ כְּרַבִּי? וְהָתְנַן: ״הֲרֵינִי נָזִיר כְּמִנְיַן יְמוֹת הַחַמָּה״ וכו׳, אָמַר רַבִּי יְהוּדָה: מַעֲשֶׂה הָיָה וְכִיָּון שֶׁהִשְׁלִים מֵת.

The Gemara asks: **And does Rabbi Yehuda hold in accordance with** the opinion of **Rabbi** Yehuda HaNasi? **But didn't we learn** in the mishna that if one says: **I am hereby a nazirite in accordance with the number of days** in **a solar** year, he counts 365 consecutive naziriteships, in accordance with the number of days in a solar year. **Rabbi Yehuda said: There was an incident** where someone took this vow and observed 365 consecutive terms of naziriteship. **Once he completed** all these terms of naziriteship, **he died.**

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אִי אָמַרְתְּ בִּשְׁלָמָא נְזִירוּת קָא מְקַבֵּל עֲלֵיהּ – הַיְינוּ טַעֲמָא דְּכֵיוָן דְּהִשְׁלִים מֵת. אֶלָּא אִי אָמַרְתְּ חָדָא נְזִירוּת קָבֵל עִילָּוֵיהּ – מִי הָוֵי הַשְׁלָמָה כְּלָל?

The Gemara explains its question: **Granted, if you say** that **he accepts upon himself** many **naziriteships, that is the reason** for his statement **that once he completed** all these terms of naziriteship **he died. However, if you say** that Rabbi Yehuda does not agree with the unattributed opinion of the mishna and holds that **he accepted upon himself one** term of **naziriteship** lasting 365 days, **is there completion**[N] here **at all?** Rabbi Yehuda would not have used this terminology in reference to the mishna's previous statement if he himself holds that the individual accepted only one term of naziriteship.

וְעוֹד, מִי סָבַר לָהּ כְּרַבִּי? וְהָא תַּנְיָא, רַבִּי יְהוּדָה אוֹמֵר: ״הֲרֵינִי נָזִיר מְנִין הֵילְקְטֵי קַיִץ״ וּ״מְנִין שִׁבֳּלֵי שְׁמִיטָּה״ – מוֹנֶה נְזִירוֹת כְּמְנִין הֵילְקְטֵי קַיִץ, וּכְמְנִין שִׁבֳּלֵי שְׁמִיטָּה.

And furthermore, does Rabbi Yehuda **hold in accordance with** the opinion of **Rabbi** Yehuda HaNasi? **But isn't it taught** in a *baraita* that **Rabbi Yehuda says:** If one says: **I am hereby a nazirite** like **the number of piles** [***helketei***][L] **of figs** [***kayitz***][L] left to dry, **or:** Like **the number of sheaves of the Sabbatical Year,**[N] he must **count** as many **naziriteships as the number of piles of figs or as the number of sheaves of the Sabbatical Year?** This proves that Rabbi Yehuda does not hold that the individual accepts only one long term of naziriteship.

״מְנִין״ שָׁאנִי.

The Gemara responds: This does not prove that Rabbi Yehuda does not agree with Rabbi Yehuda HaNasi, since one who specifies: Like the **number, is different,** as even Rabbi Yehuda HaNasi would agree that he is referring to distinct terms of naziriteship rather than one long term of naziriteship.

וּמִי שָׁאנֵי לֵיהּ לְרַבִּי ״מְנִין״? וְהָתַנְיָא: ״הֲרֵינִי נָזִיר כְּמְנִין יְמוֹת הַחַמָּה״ – מוֹנֶה נְזִירוֹת כְּמְנִין יְמוֹת הַחַמָּה: ״כִּימֵי הַלְּבָנָה״ – מוֹנֶה כִּימֵי הַלְּבָנָה, רַבִּי אוֹמֵר: עַד שֶׁיֹּאמַר ״נְזִירוֹת עָלַי כְּמְנִין יְמוֹת הַחַמָּה״ וּ״כְּמְנִין יְמוֹת הַלְּבָנָה״!

The Gemara asks: **And is** the case of one who says: Like the **number, different** according **to Rabbi** Yehuda HaNasi? **But isn't it taught** in a *baraita* that if one says: **I am hereby a nazirite like the number of days** in **a solar** year, **he counts naziriteships** corresponding **to the number of days** in **a solar** year. If one says: **Like the days** in **a lunar** year, i.e., a year comprised of twelve lunar months, **he counts** terms of naziriteship corresponding **to the days** in **a lunar** year. **Rabbi** Yehuda HaNasi **says:** He is assumed to have accepted one term of naziriteship **until he says:** It is incumbent **upon me** to observe **naziriteships like the number of days** in **a solar** year, **or: Like the number of days** in **a lunar** year. This demonstrates that if one did not explicitly use the plural term naziriteships, he is assumed to have accepted a single term of naziriteship even if he said: Like the number.

NOTES

Is there completion – מִי הָוֵי הַשְׁלָמָה: It is explained in the Commentary on *Nazir* that according to Rabbi Yehuda HaNasi, the individual has not undertaken 365 terms of naziriteship, each of which lasts for thirty days. Rather, each term lasts for 365 days. Alternatively, the statement is understood to refer to one term of naziriteship for as long as the sun shines, i.e., forever. Either way, it is impossible for the individual to complete his term of naziriteship.

Other commentaries hold that, according to Rabbi Yehuda HaNasi, the individual has accepted one term of naziriteship lasting 365 days. Accordingly, the Rid explains that if Rabbi Yehuda agreed with this opinion he would not have noted that there was an incident in which an individual completed this term and then died, as one year is not a very long time. *Tosafot* and the Rosh explain that a mishna will typically cite an incident in support of a previously stated ruling. Consequently, Rabbi Yehuda's statement is understood to be providing support for the opinion of the first, anonymous *tanna*, who disagrees with Rabbi Yehuda HaNasi. Rabbeinu Peretz and an alternative answer of *Tosafot* claim that the word completion is unsuitable for a single term of naziriteship and applies only to one who vowed to observe several consecutive periods of naziriteship.

Sheaves of [*shibbolei*] the Sabbatical Year – שִׁבֳּלֵי שְׁמִיטָּה: It is explained in the Commentary on *Nazir* that since fields are not sown in the Sabbatical Year, the only produce that grows are aftergrowths of plants from the previous year. Consequently, they grow in sparse patches that can be counted. However, most commentaries, e.g., the *Arukh*, had a text of the Gemara that included the word *shevilei*, paths, instead of *shibbolei*. According to this version, a consequence of the fact that fields are not sown in the seventh year is that their owners do not mind if people walk through them, which leads to the formation of many paths. This version of the text is also cited in the Commentary on *Nazir*.

LANGUAGE

Piles [*helketei*] – הֵילְקְטֵי: There are many opinions as to the source of this word. Some assert that it comes from the Greek ἑλικτός, *heliktos*, meaning something bent and rounded, like a kind of bracket. According to this explanations, the term *helketei* is used here to refer to piles of figs left out to dry. Others claim that *helketei* is derived from the Greek ὁλκός, *holkos*, meaning a trail or path. Accordingly, the term is used here because when figs are laid out to dry they are arranged with paths between them in order to allow the owner to attend to the figs.

Figs [*kayitz*] – קַיִץ: A biblical word for figs that are left out to dry. The ends [*katzot*] of the figs were cut to allow some of the latex, the milky substance found in figs, to flow out, and then they were left in the sun to dry. Additionally, during the summer [*kayitz*], the fields were filled with mounds of drying figs.



Figs with dripping latex left out to dry

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רַבִּי יְהוּדָה סָבַר לָהּ כְּוָתֵיהּ בַּחֲדָא, וּפָלֵיג עֲלֵיהּ בַּחֲדָא, סָבַר לָהּ כְּוָתֵיהּ בַּחֲדָא – נְזִירוּת קַבִּיל עִילָּוֵיהּ, וּפָלֵיג עֲלֵיהּ בַּחֲדָא – דְּאִילּוּ רַבִּי יְהוּדָה שְׁנֵי לֵיהּ מִינָּה, וְרַבִּי לָא שָׁנֵי לֵיהּ מִינָּה.

The Gemara answers: **Rabbi Yehuda holds in accordance with** Rabbi Yehuda HaNasi's opinion **in one** case **and disagrees with him in one** case. **He holds in accordance with his** opinion **in one** case, as follows: If one says: I am hereby a nazirite like the hairs of my head, he has **accepted upon himself** one term of **naziriteship** for as many days as the number of hairs on his head. **And he disagrees with him in one** case, **as** according to **Rabbi Yehuda,** the case of one who **counts** is **different**[N] from the previous case, and so one who states: Like the number of hairs of my head, is considered to have accepted many distinct terms of naziriteship. However, according to **Rabbi** Yehuda HaNasi, one who **counts** is **not different.** He is assumed to have accepted a single term of naziriteship unless he explicitly uses the plural term naziriteships.

תָּנוּ רַבָּנַן: ״הֲרֵינִי נָזִיר כָּל יְמֵי חַיַּי״, ״הֲרֵינִי נָזִיר עוֹלָם״ – הֲרֵי זֶה נְזִיר עוֹלָם, אֲפִילּוּ ״מֵאָה שָׁנָה״ אֲפִילּוּ ״אֶלֶף שָׁנִים״ – אֵין זֶה נְזִיר עוֹלָם אֶלָּא נָזִיר לְעוֹלָם.

§ **The Sages taught:** If **one says: I am hereby a nazirite all the days of my life,**[H] or: **I am hereby a permanent nazirite, he is a permanent nazirite** and he trims his hair on a yearly basis like Absalom. However, in the case of one who accepts upon himself naziriteship for a fixed amount of time, **even** if he says: **One hundred years**[N] or **even: One thousand years, he is not** the specific type of nazirite known as **a permanent nazirite. Rather,** he is a regular **nazirite forever,** and he may never cut his hair.

תָּנוּ רַבָּנַן: ״הֲרֵינִי נָזִיר וְאַחַת״ – מוֹנֶה שְׁתַּיִם. ״וְעוֹד״ – מוֹנֶה שָׁלֹשׁ. ״וְשׁוּב״ – מוֹנֶה אַרְבַּע. פְּשִׁיטָא! מַהוּ דְּתֵימָא: ״וְשׁוּב״ כִּי כּוּלְּהוּ, וְהָוְיָא לֵיהּ שִׁית, קָא מַשְׁמַע לָן דְּלָא.

§ **The Sages taught** in a *baraita*: If one said: **I am hereby a nazirite and one,**[H] **he counts two** terms of naziriteship, since he first took a nazirite vow and then accepted an additional term of naziriteship. If one said: I am hereby a nazirite and one **and more, he counts three** terms of naziriteship. If he added to that statement: **And again, he counts four.** The Gemara asks: **Isn't** this last *halakha* **obvious?** The Gemara answers: It is necessary to teach this *halakha*. **Lest you say** that the words **and again** are referring to terms of naziriteship **equal** in number to **all the** terms[N] he has already accepted, **and he has** therefore accepted **six** terms of naziriteship altogether, the *baraita* therefore **teaches us that** this is **not** the correct interpretation of his statement.

תָּנוּ רַבָּנַן: ״הֲרֵינִי נָזִיר״. סוּמָכוֹס אוֹמֵר: ״הֵן״ – אַחַת, ״דִּיגוֹן״ – שְׁתַּיִם, ״טְרִיגוֹן״ – שָׁלֹשׁ, ״טֶטְרָגוֹן״ – אַרְבַּע, ״פּוּנְטִיגוֹן״ חָמֵשׁ.

The Sages taught in a *baraita*: If one said: **I am hereby a nazirite, Sumakhos says:** If he then added the word ***hen,*** which means one in Greek, he has accepted **one**[N] term of naziriteship. If one said: ***Digon,***[L] which means two sides in Hebraicized Greek, he must observe **two** terms of naziriteship. If one said: ***Trigon,*** which means triangle in Hebraicized Greek, then he has accepted three terms of naziriteship. If he said: ***Tetragon,*** quadrilateral in Hebraicized Greek, then he has accepted **four** terms, and if he said: ***Puntigon,*** pentagon in Hebraicized Greek, then he has accepted **five** terms of naziriteship.

HALAKHA

I am hereby a nazirite all the days of my life, etc. – הֲרֵינִי נָזִיר כָּל יְמֵי חַיַּי וכו׳: If one says: I am hereby a nazirite all the days of my life, or: I am hereby a permanent nazirite, he becomes a permanent nazirite. If he stipulates a fixed time in his vow, he is a nazirite for that period of time, even if it is longer than the human life span (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:11).

I am hereby a nazirite and one, etc. – הֲרֵינִי נָזִיר וְאַחַת וכו׳: If one says: I am hereby a nazirite and one, he is obligated to observe two terms of naziriteship. If he says: I am hereby a nazirite and one and another, he is obligated to observe three terms of naziriteship, and if he adds: And again, he is a nazirite for four terms, as stated in the *baraita* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:8).

LANGUAGE

***Digon*, etc. – דִּיגוֹן וכו׳:** From the Greek δίγονον, *digonon*, meaning having two sides, and related to δίγονος, *digonos*, meaning again, another time. Similarly, τρίγωνον, *trigonon*, means a triangle, and τρίγωνος, *trigonos*, means a third time. *Tetragon* comes from the Greek τετράγωνον, *tetragonon*, meaning with four equal angles, rectangular, or square. *Puntigon* comes from the Greek πεντάγωνον, *pentagonon*, meaning five sided, and it is used here to mean a fifth time.

NOTES

According to Rabbi Yehuda one who counts is different – רַבִּי יְהוּדָה שָׁנֵי לֵיהּ מִינָּה: According to this explanation, there are three distinct opinions cited in the mishna: According to the Rabbis, one who takes a vow to be a nazirite by mentioning something that divides into a number of distinct units is obligated to observe terms of naziriteship corresponding to that number. Rabbi Yehuda HaNasi holds that unless one explicitly mentions the plural term naziriteships, one who vows in this manner intends to observe a single term of naziriteship lasting as many days as those units. According to both these opinions, there is no difference whether or not the speaker mentions the word number. According to Rabbi Yehuda, if one mentions the word number, e.g., he says: Like the number of hairs of my head, he intends to accept separate terms of naziriteship. However, if he does not use this term he intends to accept a single term of naziriteship (see Rosh).

Even one hundred years – אֲפִילּוּ מֵאָה שָׁנָה: Any fixed number is considered a single unit, and therefore this statement is an acceptance of a single term of naziriteship.

The words and again are referring to terms of naziriteship like all the terms – וְשׁוּב כִּי כּוּלְּהוּ: The Rosh explains that the Gemara could have said that one might have thought that the words: And more, imply the same as the previous total, but it preferred to address the last phrase mentioned in the *baraita*.

If he then added the word *hen* he has accepted one, etc. – הֵן אַחַת וכו׳: Most commentaries explain that the novelty of Sumakhos's teaching is that one can accept naziriteship in any language. The Rosh indicates that the novelty is that if one says: I am hereby *hen*, or: I am hereby *digon*, he has accepted one or two terms of naziriteship, respectively. This is because the phrase: I am hereby, serves as an intimation of naziriteship. Additionally, the words of Greek origin mentioned here are not numbers but rather refer to shapes with certain numbers of sides, and the novelty is that despite the imprecision of his language, it is understood that one is referring to terms of naziriteship.

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תָּנוּ רַבָּנַן: בַּיִת עָגוֹל, דִּיגוֹן, טְרִיגוֹן, פּוּנְטִיגוֹן – אֵינוֹ מִטַּמֵּא בִּנְגָעִים. טֶטְרָגוֹן מִטַּמֵּא בִּנְגָעִים. מַאי טַעֲמָא? לְמַטָּה הוּא אוֹמֵר ״קִיר״ ״קִירוֹת״. לְמַעְלָה הוּא אוֹמֵר ״קִיר״ ״קִירוֹת״ – הֲרֵי כָּאן אַרְבַּע.

The Gemara cites another *baraita* dealing with these same expressions: **The Sages taught: A round house,**[H] **a two-sided** house, **a triangle**-shaped house, and **a pentagon**-shaped house **cannot become impure with leprosy,** whereas a house shaped like **a quadrilateral** can **become impure with leprosy.**[B] **What is the reason** for this? In the verse **below it states,** when referring to **a wall,** the plural term **walls:**[N] "And, behold, if the plague has spread in the walls of the house" (Leviticus 14:39). Additionally, in the verse **above it states,** when referring to **a wall,** the plural term **walls:** "And behold, if the plague be in the walls of the house" (Leviticus 14:37). These plural terms are unnecessary, and it is therefore understood that **there are four** walls mentioned **here** in order to indicate that a house can become impure through leprosy only if it has four sides.

הדרן עלך כל כינויי

HALAKHA

A round house, etc. – בַּיִת עָגוֹל וכו׳: Only a house with four walls can become impure with leprosy. If the house is round or has three or five walls, it cannot become impure (Rambam *Sefer Tahara*, *Hilkhot Tzara'at* 14:6).

BACKGROUND

Leprosy of the house – נִגְעֵי בָּתִּים: By Torah law (see Leviticus 14:33–57), if leprous spots appear on a house, all the objects in the house are removed in order to prevent them from becoming ritually impure, after which a priest is brought to examine the house. If the priest confirms that there is evidence of leprosy, the house is quarantined for a week, after which it is reexamined by the priest. If the leprous spots have darkened or disappeared, the house is declared ritually pure. If the spots have remained unchanged, the house is quarantined for a second week. If the spots then darken, the house is declared ritually pure after undergoing a purification process. However, if the spots remain unchanged or have spread, the affected parts of the house are removed and replaced with new materials, after which the house is quarantined for a third week. If the spots reappear, the entire house must be destroyed, and its stones are disposed of in a ritually impure place.

A leprous house renders people and objects inside it ritually impure, with the exception of objects in hermetically sealed earthenware containers. If the house is declared free of leprosy, it is purified by a process involving birds, cedarwood, and red thread, parallel to the purification process of a leprous person.

NOTES

It states, when referring to a wall, the plural term walls, etc. – הוּא אוֹמֵר קִיר, קִירוֹת וכו׳: It is noted in the Commentary on *Nazir* that the *baraita* does not expound every instance where the word wall appears in the verses pertaining to leprosy on a house, as the verse also states: "And its appearance be lower than the wall" (Leviticus 14:37). Rather, the *baraita* expounds only the instances in which the plural walls is used unnecessarily instead of the singular term wall.

The early commentaries ask why the plural terms are considered unnecessary, given that the Gemara derives from these terms that a house is considered to be afflicted with leprosy only if a symptom appears on a corner of the house, such that a single, unbroken spot appears on two walls (*Sanhedrin* 71a). The Rosh answers that only one of the plural terms is necessary for that derivation, and the other usage serves as the source for the *halakha* that only a four-sided house can be afflicted with leprosy. Alternatively, Rabbeinu Peretz states that if the plural term were used only in order to teach that the symptom must appear on a corner of the house, the Torah would have used the same term throughout.

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Summary of **Perek I**

In this chapter the Gemara established the following: Commonly used substitute terms for the language of nazirite vows and substitute terms that were set by the Sages are effective expressions to use when accepting upon oneself a nazirite vow. Similarly, intimations of nazirite vows that clearly express one's intent to become a nazirite are effective nazirite vows, although they are incomplete statements. Occasionally, the meaning of a statement is understood from its context. For example, if one takes a vaguely articulated vow while a nazirite is passing by or while holding on to one's hair, his statement is considered a nazirite vow. Additionally, one who accepts upon himself some of the restrictions of a nazirite becomes a full-fledged nazirite. However, expressions that are themselves only substitutes for substitute terms of nazirite vows, and ambiguous intimations of nazirite vows that are completely obscure are not considered nazirite vows. They do not obligate the speaker to become a nazirite.

The Gemara determined that the minimum duration of a term of naziriteship is thirty days. If one takes a nazirite vow without specifying the duration of the naziriteship, he becomes a nazirite for thirty days. This is true even if he says that he will be a nazirite for one large period, or for one small period, without specifying the precise length of the period. If he accepts upon himself a period of a naziriteship and a half, he is obligated to observe two thirty-day periods, unless it was clear that he intended to accept upon himself one term of naziriteship that would last longer than the duration of an unspecified term of naziriteship. If one compares the number of naziriteship periods that he is accepting upon himself with separate, distinct items, he becomes obligated in multiple, consecutive terms, equal to the number of items with which he compared his naziriteship.

This chapter discussed the three different ways that one can become a nazirite for the duration of his lifetime and the different *halakhot* that apply to each type of lifelong nazirite. One who accepts upon himself consecutive terms of naziriteship or a single term of naziriteship that will last longer than his life span is a nazirite forever. In the case of consecutive terms, the nazirite treats each period as a separate term of naziriteship. He shaves his hair and brings offerings at the conclusion of each term. One who takes a nazirite vow and specifies that it applies for the duration of his life is also a nazirite forever. In this case, the individual is known as a permanent nazirite and is obligated in one long term of naziriteship that lasts for the duration of his lifetime. However, once a year he trims his hair and brings the nazirite offerings. Finally, some Sages explain that it is possible to vow to be a nazirite like Samson. This type of naziriteship lasts for the duration of one's life but differs from a permanent nazirite in that the individual is permitted to become impure from a corpse but is prohibited from ever cutting his hair.

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Introduction to **Perek II**

This chapter addresses instances where unusual terminology is employed in uttering vows of naziriteship. This chapter discusses statements that can be interpreted in multiple ways, vows of naziriteship that are made with a variety of stipulations, or vows made in circumstances that complicate their implementation.

The first issue the Gemara considers is a situation in which the language or context of a statement might indicate an acceptance of naziriteship or might be a different vow altogether. A second set of problems concerns instances where an individual takes a vow of naziriteship without a full understanding of its *halakhot* or without the willingness to accept all of the restrictions involved in naziriteship.

One is able to vow to pay for the offerings of a nazirite rather than to become one himself. The Gemara addresses the extent of the obligations incurred by one who states such a vow, and the obligations incurred by one who obligates himself to pay for only a part of the nazirite offerings.

Another discussion in this chapter examines a naziriteship vow made conditional on the speaker having a child. The Gemara addresses whether he meant to become a nazirite both if he had a boy or a girl, or perhaps only if he had a boy.

This chapter also discusses the *halakha* in a case where one vowed to observe a term of naziriteship that would begin on a certain day or when a certain event occurs, and then accepts another vow of naziriteship whose term will interfere with the implementation of the previous vow.

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מתני׳ ״הֲרֵינִי נָזִיר מִן הַגְּרוֹגָרוֹת וּמִן הַדְּבֵילָה״. בֵּית שַׁמַּאי אוֹמְרִים: נָזִיר, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ נָזִיר. אָמַר רַבִּי יְהוּדָה: אַף כְּשֶׁאָמְרוּ בֵּית שַׁמַּאי – לֹא אָמְרוּ אֶלָּא בְּאוֹמֵר ״הֲרֵי הֵן עָלַי קָרְבָּן״.

MISHNA If one says: **I am hereby a nazirite** and therefore will refrain **from dried figs**[H] **and from cakes of dried figs, Beit Shammai say:** His statement renders him a full-fledged **nazirite,** and his addition: From dried figs, is insignificant, as this fruit is not included in the prohibitions of a nazirite, which include only products of the grapevine. **And Beit Hillel say: He is not a nazirite,** since he did not accept naziriteship upon himself. **Rabbi Yehuda said: Even when Beit Shammai said** that this vow takes effect, **they said** that **only in** a case **where** one **said** that he meant: **They are hereby** forbidden **to me**[N] as **an offering.** In that case it is as though he took a vow rendering the figs forbidden to him. However, Beit Shammai concede that although the vow takes effect, it is not a vow of naziriteship.

גמ׳ ״הֲרֵינִי נָזִיר מִן הַגְּרוֹגָרוֹת וּמִן הַדְּבֵילָה״. בֵּית שַׁמַּאי אוֹמְרִים: נָזִיר. וְאַמַּאי? ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״ אָמַר רַחֲמָנָא! בֵּית שַׁמַּאי סָבְרִי לָהּ כְּרַבִּי מֵאִיר, דְּאָמַר: אֵין אָדָם מוֹצִיא דְּבָרָיו לְבַטָּלָה.

GEMARA It is stated in the mishna that if one says: **I am hereby a nazirite** and therefore will refrain **from dried figs and from cakes of dried figs, Beit Shammai say:** He is a **nazirite.** The Gemara asks: **But why? The Merciful One states** in the Torah in the passage dealing with naziriteship: **“From anything that is made of the grapevine** … he shall not eat” (Numbers 6:4). In naziriteship, only the fruit of the vine is prohibited. The Gemara answers: **Beit Shammai hold in accordance with** the opinion of **Rabbi Meir, who says: A person does not utter a statement for naught.** In other words, if one utters a statement that cannot be fulfilled as stated, his statement is interpreted in a manner that renders it relevant. Here too, Beit Shammai say that he misspoke and actually intended to take a vow of naziriteship.

וּבֵית הִלֵּל סָבְרִי לָהּ כְּרַבִּי יוֹסֵי, דְּאָמַר: בִּגְמַר דְּבָרָיו אָדָם נִתְפָּס. וְהַאי נֶדֶר וּפִתְחוֹ עִמּוֹ הוּא.

And Beit Hillel hold in accordance with the opinion of **Rabbi Yosei, who says: A person is** also **held accountable for the conclusion of his statement.** If one states two irreconcilable clauses, e.g., this animal is a substitute for a burnt-offering, a substitute for a peace-offering; the second clause is not disregarded, and the animal assumes both statuses. **And this is a vow with its** inherent **opening,** i.e., reason for dissolution. Although he said: I am hereby a nazirite, by adding the words: From dried figs and from cakes of dried figs, he indicated that his intention was that the naziriteship would not take effect.

וּבֵית שַׁמַּאי נַמִּי, נֶדֶר וּפִתְחוֹ עִמּוֹ הוּא.

The Gemara asks: **And** according to **Beit Shammai too,**[N] **it is a vow with its** inherent **opening,** and since they certainly agree that a vow of this kind does not take effect, why do they hold that this vow takes effect?

HALAKHA

I am hereby a nazirite from dried figs, etc. – הֲרֵינִי נָזִיר מִן הַגְּרוֹגָרוֹת וכו׳: The Rambam writes that if one says: I am hereby a nazirite and therefore will refrain from dried figs, or: From cakes of dried figs, or any statement of this kind, it is prohibited for him to derive benefit from them due to his vow, but he is not rendered a nazirite. This ruling is in accordance with the opinion of Beit Hillel. The Ra’avad disagrees with the Rambam, claiming that the Gemara indicates that according to the opinion of Beit Hillel one is not prohibited from deriving benefit even from dried figs. *Tosefot Yom Tov* and *Likkutei Halakhot* offer additional explanations of this matter (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 1:10).

NOTES

In a case where one said: They are hereby forbidden to me, etc. – בְּאוֹמֵר הֲרֵי הֵן עָלַי וכו׳: Many commentaries (Rabbeinu Peretz, citing Rosh; Rid) explain that although the first term he used explicitly referred to naziriteship, he actually intended to state a standard vow of prohibition. The Rid even has a variant reading: Like one who said, instead of: In a case of one who said. *Tosafot* explain that although the word nazirite has a specific meaning, it can refer to separation in general, and therefore it can be used as an expression of a vow. An alternative approach, cited by Rabbeinu Peretz and Rabbeinu Azriel, is that he was actually asked about his intention afterward, and he clarified that he intended to vow that dried figs were forbidden to him. The Commentary on *Nazir*, according to some later authorities, and Rabbi Avraham min HaHar claim that the case under discussion is one in which one explicitly stated: They are hereby forbidden to me like an offering, in addition to his initial statement of: I am hereby a nazirite and therefore will refrain from dried figs.

An entirely different approach is presented in the Rambam’s Commentary on the Mishna. He contends that even according to Rabbi Yehuda, Beit Shammai hold that the individual becomes a nazirite, since the usage of the word: Offering, indicates that he wishes to be a nazirite, as offerings are an integral part of naziriteship. If he does not mention an offering, his words are meaningless even according to Beit Shammai.

And Beit Shammai too – וּבֵית שַׁמַּאי נַמִּי: The Rid points out that the logic of this claim is in fact the opposite of that which was previously attributed to Beit Shammai, as earlier the Gemara explained that the second statement is not to be understood as a clarification of the first. He therefore explains that the Gemara is suggesting an alternative formulation, whose initial assumption is that this is a vow with its inherent opening to broach dissolution, and then explains that Beit Shammai holds in accordance with the opinion of Rabbi Meir. See *Tosafot* for a different explanation.

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אֶלָּא, בֵּית שַׁמַּאי סָבְרִי לָהּ כְּרַבִּי מֵאִיר, דְּאָמַר: אֵין אָדָם מוֹצִיא דְּבָרָיו לְבַטָּלָה. וְכֵיוָן דְּאָמַר ״הֲרֵינִי נָזִיר״ – הֲוָה לֵיהּ נָזִיר, כִּי קָאָמַר ״מִן הַגְּרוֹגָרוֹת וּמִן הַדְּבֵילָה״ – לְאִיתַּשּׁוּלֵי הוּא דְּקָאָתֵי. וּבֵית שַׁמַּאי לְטַעֲמַיְיהוּ, דְּאָמְרִי: אֵין שְׁאֵלָה בְּהֶקְדֵּשׁ. וְכֵיוָן דְּאֵין שְׁאֵלָה בְּהֶקְדֵּשׁ – אֵין שְׁאֵלָה בִּנְזִירוּת.

The Gemara explains the dispute: **Rather, Beit Shammai hold in accordance with** the opinion of **Rabbi Meir, who said: A person does not utter a statement for naught, and once he said: I am hereby a nazirite, he is** immediately rendered **a nazirite. When he** then **says:** And therefore I will refrain **from dried figs and from cakes of dried figs, he is coming to request**[N] that a halakhic authority dissolve his vow, as he regrets having taken the vow and is now seeking to dissolve it. **And Beit Shammai follow their** standard line of **reasoning, as they say:** One **cannot request** that a halakhic authority dissolve a vow **of consecrated** property,[H] which one can do for vows of prohibition. **And since** one **cannot request** that a halakhic authority dissolve a vow **of consecrated** property, likewise one **cannot request** that a halakhic authority dissolve a vow **of naziriteship,**[NH] as the legal status of a vow of naziriteship is like that of a vow of consecrated property in this regard.

וּבֵית הִלֵּל סָבְרִי כְּרַבִּי שִׁמְעוֹן, דְּתָנַן: וְרַבִּי שִׁמְעוֹן פּוֹטֵר, שֶׁלֹּא הִתְנַדֵּב כְּדֶרֶךְ הַמִּתְנַדְּבִים.

And Beit Hillel hold in accordance with the opinion of **Rabbi Shimon,**[N] **as we learned** in a mishna (*Menaḥot* 103a): If one vows to bring a meal-offering from barley, since voluntary meal-offerings are brought only from wheat, the Rabbis say: He must bring a meal-offering from wheat, **and Rabbi Shimon exempts** him entirely, **as he did not donate in the manner** typical **of donors.** Since he donated an offering that cannot be sacrificed, his vow is meaningless. Here too, since he took a vow of naziriteship stating that he therefore will refrain from dried figs rather than from wine, his statement is meaningless.

NOTES

He is coming to request – לְאִיתַּשּׁוּלֵי הוּא דְּקָאָתֵי: The early commentaries point out that the wording here is imprecise, as he has not actually appeared before a halakhic authority to request the dissolution of his vow. Rather, it means that he regrets taking the vow, and this is comparable to one who goes to request dissolution (*Tosafot*).

One cannot request of a halakhic authority to dissolve a vow of naziriteship – אֵין שְׁאֵלָה בִּנְזִירוּת: The Commentary on *Nazir* explains that naziriteship is compared to consecration in the verse: "He shall be holy" (Numbers 6:5), as the same Hebrew word, *kadosh*, is used for both consecration and the holiness of a nazirite. *Tosafot* and other early commentaries offer similar explanations. Maharit Algazi and the Netziv suggest that a vow of naziriteship is considered like consecration because it includes the offerings brought by the nazirite upon the completion of his term. One who seeks to have his naziriteship dissolved is effectively asking for the dissolution of the requirement to bring these offerings. The language of the Gemara offers some support for this interpretation.

And Beit Hillel hold in accordance with the opinion of Rabbi Shimon – וּבֵית הִלֵּל סָבְרִי כְּרַבִּי שִׁמְעוֹן: Beit Hillel do not even address the issue of whether one can rescind consecrated property because they hold that one who does not formulate his statement properly has not consecrated the item at all (*Tosafot*). The following question is posed by some early commentaries: Why doesn't the Gemara simply say that according to Beit Hillel, rescinding is possible in the case of consecrated property, as they do in fact hold? On the following page, *Tosafot* answer that this explanation would not account for the fact that in this situation Beit Hillel do not even prohibit one from benefiting from dried figs. Others suggest that the Gemara preferred an explanation that applies even according to the opinion that there is no rescinding of consecrated items (*Shita Mekubbetzet*), or that it wanted to suggest an answer that also suits Rabbi Yehuda's explanation of the opinion of Beit Shammai (Rabbeinu Todros).

HALAKHA

Request dissolution of a vow of consecrated property – שְׁאֵלָה בְּהֶקְדֵּשׁ: The *halakha* is not in accordance with the opinion of Beit Shammai; rather, one may rescind a donation of consecrated property and dissolve vows of consecration, just as one may dissolve standard vows. However, it is a mitzva to fulfill one's dedications to the Temple, and one should seek to dissolve those vows only in cases of extreme necessity (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:7, 13:25; *Shulḥan Arukh*, *Yoreh De'a* 203:3, 258:1).

Request dissolution of a vow of naziriteship – שְׁאֵלָה בִּנְזִירוּת: One who takes a vow of naziriteship and regrets his vow may request that a halakhic authority dissolve his naziriteship in the same manner as standard vows are dissolved (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:1).

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מַתְנִיתִין דְּלָא כִּי הַאי תַּנָּא. דְּתַנְיָא, רַבִּי נָתָן אוֹמֵר: בֵּית שַׁמַּאי אוֹמְרִים: נָדוּר וְנָזִיר, וּבֵית הִלֵּל אוֹמְרִים: נָדוּר וְאֵין נָזִיר. בֵּית שַׁמַּאי סָבְרִי לָהּ כְּרַבִּי מֵאִיר וּכְרַבִּי יְהוּדָה, וּבֵית הִלֵּל סָבְרִי לָהּ כְּרַבִּי יוֹסֵי.

§ The Gemara comments: **The mishna is not in accordance with** the opinion of **this *tanna*. As it is taught** in a *baraita*: **Rabbi Natan says** that if one says: I am hereby a nazirite and therefore will refrain from dried figs, **Beit Shammai say:** He has rendered dried figs **forbidden** to himself **by a vow, and** he is also **a nazirite; and Beit Hillel say:** He has rendered dried figs **forbidden** to himself **by a vow, but** he is **not a nazirite.**[H] According to Rabbi Natan, **Beit Shammai hold in accordance with** the opinion of **Rabbi Meir** that a person does not utter statements for naught and that he becomes a nazirite as soon as he says: I am hereby a nazirite; **and** he explains the opinion of Beit Shammai **as Rabbi Yehuda** does, i.e., that one in this situation has vowed that dried figs are forbidden to him, since the rest of his statement also has significance. **And Beit Hillel hold in accordance with** the opinion of **Rabbi Yosei**[N] that one is held to the conclusion of his statement, and he has therefore vowed that dried figs are forbidden to him.

לִישָׁנָא אַחֲרִינָא אָמְרִי לָהּ: רַבִּי נָתָן אוֹמֵר, בֵּית שַׁמַּאי אוֹמְרִים: נָדוּר וְאֵינוֹ נָזִיר, וּבֵית הִלֵּל אוֹמְרִים: לֹא נָדוּר וְלֹא נָזִיר. בֵּית שַׁמַּאי – כְּרַבִּי יְהוּדָה, וּבֵית הִלֵּל – כְּרַבִּי שִׁמְעוֹן.

Some say a different version[N] of the *baraita*: **Rabbi Natan says** that **Beit Shammai say:** He has rendered dried figs **forbidden** to himself **by a vow and he is not a nazirite; and Beit Hillel say:** He has **not** rendered dried figs **forbidden** to himself **by a vow, and** he is **not a nazirite.** According to this version, the opinion of **Beit Shammai is as Rabbi Yehuda** explained in the mishna, **and Beit Hillel hold in accordance with** the opinion of **Rabbi Shimon,** who maintains that a donation not performed in the manner typical of donors is not a donation.

תְּנַן הָתָם: הָאוֹמֵר ״הֲרֵי עָלַי מִנְחָה לְהָבִיא מִן הַשְּׂעוֹרִים״ – יָבִיא מִן הַחִטִּים: ״קֶמַח״ – יָבִיא סוֹלֶת: ״שָׁלֹשׁ בְּשָׁמָן וּלְבוֹנָה״ – יְבִיאֶנָּה בְּשֶׁמֶן וּלְבוֹנָה: ״חֲצִי עִשָּׂרוֹן״ – יָבִיא עִשָּׂרוֹן שָׁלֵם: ״עִשָּׂרוֹן וּמֶחֱצָה״ – יָבִיא שְׁנַיִם. רַבִּי שִׁמְעוֹן פּוֹטֵר, שֶׁלֹּא הִתְנַדֵּב כְּדֶרֶךְ הַמִּתְנַדְּבִים.

§ The Gemara discusses a case mentioned earlier. **We learned** in a mishna **there** (*Menaḥot* 103a): With regard to **one who says: It is** incumbent **upon me to bring a meal-offering**[B] **from barley,**[H] since voluntary meal-offerings are made only with wheat **he must bring** a meal-offering **from wheat.** If one vows to bring a meal-offering from **flour,** since a standard meal-offering is made from fine flour **he must bring** one from **fine flour.** If one vows to bring a meal-offering **without oil and frankincense, he must bring it with oil and frankincense,** in accordance with the *halakha*. If one vows to bring a meal-offering with **half of a tenth** of an ephah of fine flour, **he must bring** a meal-offering with **a full tenth,** since a meal-offering cannot have less than one-tenth of an ephah of flour. If one vows to bring a meal-offering with **a tenth and a half, he brings two** units of a tenth of an ephah in his meal-offering. Since half of one-tenth of an ephah is the minimum, his vow is increased to two full tenths. **Rabbi Shimon exempts** him entirely in all these cases, **as he did not donate in the manner** typical **of donors.**

מַאן תַּנָּא, דְּכִי אָמַר ״הֲרֵי עָלַי מִנְחָה מִן הַשְּׂעוֹרִים״ – מֵבִיא מִן הַחִטִּים? אָמַר חִזְקִיָּה: בְּמַחֲלוֹקֶת שְׁנוּיָה, וּבֵית שַׁמַּאי הִיא. לָאו אָמְרִי בֵּית שַׁמַּאי כִּי אָמַר ״מִן הַגְּרוֹגָרוֹת וּמִן הַדְּבֵילָה״ הֲרֵי נָזִיר – הָכִי נַמִּי, כִּי אָמַר ״מִן הַשְּׂעוֹרִין״ – מֵבִיא מִן הַחִטִּים.

The Gemara asks: **Who** is the *tanna* who **taught that when one said: It is** incumbent **upon me** to bring **a meal-offering from barley, he brings** a meal-offering **from wheat? Ḥizkiyya said** that this *halakha* **is taught as a dispute** between *tanna'im*, **and it is** the opinion of **Beit Shammai.** He explains: **Didn't Beit Shammai say that when one said:** I am hereby a nazirite and therefore will refrain **from dried figs and from cakes of dried figs, he is a nazirite,** indicating that he is held to only the first part of his statement, and the conflicting details are ignored? **So too, when he said** that he will bring a meal-offering **from barley, he brings** it **from wheat,** and the same analysis applies to the other cases listed in this mishna.

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ תֵּימָא דִּבְרֵי הַכֹּל, בְּאוֹמֵר ״אִילּוּ הָיִיתִי יוֹדֵעַ שֶׁאֵין נוֹדְרִין כָּךְ – לֹא נָדַרְתִּי כָּךְ אֶלָּא כָּךְ״.

And Rabbi Yoḥanan said: You can **even say** that **all,** including Beit Hillel, **agree** with the opinion of the Rabbis of the mishna, as the mishna may be stated **with regard to one who** later **says,** to clarify his earlier statement: **Had I known that one cannot vow in this manner,** that one cannot bring a voluntary meal-offering from barley, **I would not have vowed that way, only this way,** to bring a meal-offering from wheat. Mentioning barley was an error on his part rather than a condition, and he actually meant to bring a standard meal-offering. In this case even Beit Hillel, who maintain in the mishna here that there is no vow at all, deem him liable to bring a proper meal-offering.

HALAKHA

Forbidden by a vow, but he is not a nazirite, etc. – נָדוּר וְאֵין נָזִיר וכו׳: The Rambam rules that if one says: I am hereby a nazirite and therefore will refrain from dried figs, or any similar statement, then dried figs are forbidden to him due to his vow, however naziriteship does not take effect. The Ra'avad objects to the Rambam's ruling, as the Gemara indicates that the mishna is not in accordance with the opinion of Rabbi Natan, and therefore one should not even be bound by a vow. The *Kesef Mishne* states that the Rambam's version of the text probably read: The mishna is in accordance with Rabbi Natan. Other commentaries reconcile Rambam's ruling without emending the text, since they maintain that this is the opinion of Beit Hillel as presented in the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:10).

It is incumbent upon me to bring a meal-offering from barley, etc. – הֲרֵי עָלַי מִנְחָה לְהָבִיא מִן הַשְּׂעוֹרִים וכו׳: If one says: It is incumbent upon me to bring a meal-offering of barley, or: A meal-offering of half a tenth, or: A meal-offering of no oil or frankincense, he is exempt, since he has not donated in the manner typical of donors. If he says: It is incumbent upon me to bring a meal-offering from barley, or: From lentils, and the like, he is questioned about his intentions. If he thought that there was such a meal-offering, and had he known that meal-offerings must comprise a full tenth of fine wheat flour with oil and frankincense he would not have vowed as he did, he is exempt. If he says that had he known, he would have vowed in the proper manner, he is obligated to bring a standard meal-offering. The *Kesef Mishne* explains that the ruling of the Rambam is in accordance with the opinion of Rabbi Yoḥanan, as well as in accordance with the opinion of Ze'eiri in tractate *Menaḥot*, who differentiate between one who says: A meal-offering of, and one who says: A meal-offering from (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 17:9).

NOTES

And Beit Hillel hold in accordance with the opinion of Rabbi Yosei – וּבֵית הִלֵּל סָבְרִי לָהּ כְּרַבִּי יוֹסֵי: *Tosafot* and other early commentaries have a variant reading of the text: Hold in accordance with the opinion of Rabbi Yehuda. In other words, the opinion of Beit Hillel in the *baraita* is the same as Rabbi Yehuda's explanation of Beit Shammai in the mishna, i.e., that there is only a vow and no naziriteship.

A different version – לִישָׁנָא אַחֲרִינָא: This version is exactly the same as that of Rabbi Yehuda in the mishna. The only difference is the Gemara's addition that Beit Hillel hold in accordance with the opinion of Rabbi Shimon that if one did not express his donation in the typical manner it does not take effect.

BACKGROUND

Meal-offering – מִנְחָה: There are a variety of offerings of flour or bread that were brought in the Temple. The Gemara here is discussing a vow to bring a voluntary meal-offering, which may be brought in one of four ways: Mixed with oil, baked in an oven, fried on a griddle, or in a pan (see Leviticus 2:1–13). All of these offerings were made of fine wheat flour.

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BACKGROUND

Lentils – עֲדָשִׁים: Lentils, *Lens culinaris*, are a type of legume that grows on a bushy plant with purple flowers. The plant is about 40 cm tall, and the seeds grow in pods. The color of the seeds can be orange, green, yellow, brown, or black. There is evidence that lentils were consumed by people throughout the world since antiquity.



Lentil bush and flowers



Lentils of different colors

The *omer* meal-offering – מִנְחַת הָעֹמֶר: The *omer* is a measure of grain, one-tenth of an ephah. This term is used to refer to the measure of barley offered in the Temple on the sixteenth of Nisan, the second day of Passover. The offering was brought irrespective of whether the sixteenth of Nisan was a Shabbat or a weekday. The *omer* was harvested on the night following the first day of Passover from the newly ripe barley and was prepared as roasted flour. A handful was burned on the altar; the rest was eaten by the priests. In addition to the *omer*, a male sheep was sacrificed as a burnt-offering, together with a wine libation and two-tenths of an ephah of wheat flour as a meal-offering. Once the *omer* had been offered, grain from the new harvest could be eaten.

NOTES

Ḥizkiyya retracted – הֲדַר בֵּיהּ חִזְקִיָּה: *Tosafot* explain that Ḥizkiyya retracted his opinion that the mishna in tractate *Menaḥot* is in accordance with the opinion of Beit Shammai. Instead, he now agrees with Rabbi Yoḥanan that it is referring to one who says he vowed in error. Accordingly, *Tosafot* omit the following sentence from the Gemara: Rather, Ḥizkiyya holds that when Beit Shammai stated their opinion there, their intention was as explained by Rabbi Yehuda. This sentence likewise does not appear in the parallel discussion in *Menaḥot*. Others claim that Ḥizkiyya did not retract his statement about the mishna in *Menaḥot*. They contend that Ḥizkiyya in fact retracted his understanding of the opinion of Beit Shammai in the mishna here. He is no longer of the opinion that Beit Shammai's opinion is as stated by the unattributed mishna, and he agrees with Rabbi Yehuda that according to Beit Shammai one is bound by a vow but is not a nazirite (Commentary on *Nazir*; Meiri).

אָמַר חִזְקִיָּה: לֹא שָׁנוּ אֶלָּא שֶׁאָמַר ״מִן הַשְּׁעוֹרִים״. אֲבָל אָמַר ״מִן הָעֲדָשִׁים״ – לָא מַיְיתֵי וְלָא כְּלוּם.

With regard to this ruling Ḥizkiyya says: **They taught** that he must bring a meal-offering from wheat **only if he said** that he will bring a meal-offering **from barley. But** if **he said** he will bring a meal-offering **from lentils,**[B] **he does not bring anything.** The difference is that the meal-offerings of the *omer* and of a *sota* are made from barley, so if he said: From barley, he may have mistakenly believed that a voluntary meal-offering can be prepared from barley as well. As everyone knows that no meal-offering is made from lentils, his statement demonstrates that he never intended to bring a meal-offering.

מִכְּדֵי חִזְקִיָּה כְּמַאן מוֹקִים לָהּ לְמַתְנִיתִין – כְּבֵית שַׁמַּאי, וְהָא עֲדָשִׁים לְגַבֵּי מִנְחָה כִּגְרוֹגָרוֹת לְגַבֵּי נָזִיר דָּמוּ, וְקָאָמְרִי בֵּית שַׁמַּאי חָיֵי נָזִיר! הֲדַר בֵּיהּ חִזְקִיָּה.

The Gemara asks: **Now** consider, **in accordance with whose** opinion **does Ḥizkiyya establish the mishna** in *Menaḥot*? It is **in accordance with** the opinion of **Beit Shammai. But lentils relative to a meal-offering are comparable to dried figs relative to a nazirite,** as everyone is likewise aware that one cannot be a nazirite and therefore refrain from figs, **and** yet **Beit Shammai say he is a nazirite.** Why not say that one who vows to bring a meal-offering from lentils is obligated to bring a standard meal-offering? The Gemara answers: **Ḥizkiyya retracted**[N] **from it** and no longer holds that the mishna in *Menaḥot* is in accordance with the opinion of Beit Shammai.

וְאַמַּאי הֲדַר בֵּיהּ? אֲמַר רָבָא: מַתְנִיתִין קְשִׁיתֵיהּ, מַאי אִירְיָא דְּתָנֵי ״מִן הַשְּׁעוֹרִים״? לִיתְנֵי ״מִן הָעֲדָשִׁים״. אֶלָּא סָבַר חִזְקִיָּה: כִּי קָאָמְרִי בֵּית שַׁמַּאי הָתָם – כִּרְבִּי יְהוּדָה.

The Gemara asks: **And why did he** in fact **retract from it? Rava said:** The **mishna caused him difficulty** and demonstrated his error. If the mishna is in accordance with Beit Shammai's opinion with regard to a nazirite, **why does** the *tanna* **specifically teach** the case of one who says that he will bring a meal-offering **from barley? Let him teach** a greater novelty, i.e., that even one who vowed to bring a meal-offering **from lentils** is obligated to bring a meal-offering made from wheat. **Rather, Ḥizkiyya holds** that **when Beit Shammai stated** their opinion **there,** i.e., in the mishna with regard to a nazirite, their intention was **as** explained by **Rabbi Yehuda,** that one's statement is interpreted to be meaningful and it can have the meaning of creating a vow that dried figs are forbidden to him. In the case of the meal-offering, even they agree that since one's vow has no meaning, as there cannot be a meal-offering made of lentils, no vow takes effect.

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילּוּ מִן הָעֲדָשִׁים. וְהָא רַבִּי יוֹחָנָן הוּא דְּאָמַר: בְּאוֹמֵר ״אִילּוּ הָיִיתִי יוֹדֵעַ שֶׁאֵין נוֹדְרִין כָּךְ – לֹא נָדַרְתִּי כָּךְ אֶלָּא כָּךְ״! לְדִבְרָיו דְּחִזְקִיָּה הוּא דְּקָאָמַר:

And Rabbi Yoḥanan said: Even one who vowed to bring a meal-offering **from lentils** must bring a meal-offering from wheat. The Gemara asks: **But Rabbi Yoḥanan is he who said** that the mishna is referring to a case of one **who says: Had I known that one cannot vow in this manner, I would not have vowed that way, only this way?** In the case of the lentils, it is not reasonable to say that he erred in thinking that one may vow to bring a meal-offering from lentils. The Gemara answers: **He stated** this ruling **in accordance with the statement of Ḥizkiyya.** Rabbi Yoḥanan was not stating his own opinion; he was challenging the ruling of Ḥizkiyya.

אַתְּ מַאי טַעֲמָא קָא הָדַרְתְּ בָּךְ – מִשּׁוּם דְּלָא קָתָנֵי ״מִן הָעֲדָשִׁים״. דִּילְמָא לָא מִיבָּעֲיָא קָאָמַר; לָא מִיבָּעֲיָא כִּי אָמַר ״מֵעֲדָשִׁים״ – דְּמַיְיתֵי מִנְחָה מַעֲלַיְיתָא, דְּאֵיפְכָא לְמֵימַר מִיהַדַּר הוּא דַּהֲדַר בֵּיהּ, וּתְפוֹס לָשׁוֹן רִאשׁוֹן. אֶלָּא כִּי אָמַר ״מִן הַשְּׁעוֹרִין״ וַדַּאי דְּהָכִי קָאָמַר: אִי קָדְשָׁה כְּמִנְחַת הָעֹמֶר,

The Gemara explains his challenge: **What is the reason you retracted** your earlier opinion that the mishna is in accordance with the opinion of Beit Shammai? You did so **because it does not teach: From lentils.** That is not conclusive, as **perhaps it is speaking** utilizing the style of: **It is not necessary,** as follows: **It is not necessary** to say that **when one says:** It is incumbent upon me to bring a meal-offering **from lentils, that he brings a proper meal-offering** of wheat. In that situation **it can be said** that by saying: From lentils, **he is retracting** his first statement and now wants to rescind his vow. **And** yet Beit Shammai hold that he is **held to the first** part of his **statement,** and they do not allow the rescinding of a vow of consecration. **But if he said:** It is incumbent upon me to bring a meal-offering **from barley,** since it is possible to explain that **certainly this is what he said: If** this meal-offering that I have vowed to bring from barley **is consecrated like the *omer* meal-offering,**[B]

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אוֹ כְּמִנְחַת סוֹטָה – תִּקָּדֵשׁ, אִי לָא – לָא. קָא מַשְׁמַע לָן דְּמַיְיתֵי מִן הַחִיטִּים.

or like the meal-offering of a *sota*,[B] both of which are made of barley, **it should become consecrated,** and **if** it is **not** possible to volunteer a meal-offering from barley, it should **not** be a meal-offering at all. The mishna therefore **teaches us that one** nevertheless **brings** a meal-offering made **from wheat.** Rabbi Yoḥanan holds that the difficulty raised by Ḥizkiyya against his own explanation is inconclusive, and he need not have retracted it.

מתני׳ אָמַר: ״אָמְרָה פָּרָה זוֹ הֲרֵינִי נְזִירָה אִם עוֹמֶדֶת אֲנִי״. ״אוֹמֵר הַדֶּלֶת הַזֶּה הֲרֵינִי נְזִירָה אִם נִפְתָּח אֲנִי״. בֵּית שַׁמַּאי אוֹמְרִים: נָזִיר, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ נָזִיר. אָמַר רַבִּי יְהוּדָה: אַף כְּשֶׁאָמְרוּ בֵּית שַׁמַּאי לֹא אוֹמְרִים אֶלָּא בְּאוֹמֵר ״הֲרֵי פָּרָה זוֹ עָלַי קָרְבָּן אִם עוֹמֶדֶת הִיא״.

MISHNA If one **said: This cow said:**[H] **I am hereby a nazirite if I stand up;** or if he said: **This door says: I am hereby a nazirite if I am opened, Beit Shammai say** he is **a nazirite, and Beit Hillel say** he is **not a nazirite. Rabbi Yehuda said:**[N] **Even when Beit Shammai say** that the vow is effective, **they say** so **only** with regard to **one who said: This cow is hereby** forbidden **to me** as **an offering if it stands up.** In that case it is as if he took a vow that the cow is forbidden. However, Beit Shammai concede that although the vow takes effect, it is not a vow of naziriteship.

גמ׳ פָּרָה מִי קָא מִשְׁתַּעְיָא? אֲמַר רָמֵי בַּר חָמָא: הָכָא בְּמַאי עָסְקִינַן – כִּגּוֹן שֶׁהָיְתָה פָּרָה רְבוּעָה לְפָנָיו, וְאָמַר: כִּסְבוּרָה פָּרָה זוֹ אֵינָהּ עוֹמֶדֶת – הֲרֵינִי נָזִיר מִבְּשָׂרָהּ אִם עָמְדָה מֵאֵלֶיהָ. וְעָמְדָה מֵאֵלֶיהָ. וְהָלְכוּ בֵּית שַׁמַּאי לְשִׁיטָתָן, וּבֵית הִלֵּל לְשִׁיטָתָן.

GEMARA The Gemara asks: **Does a cow speak?** What is the meaning of the statement: A cow said: I am hereby a nazirite? **Rami bar Ḥama said: With what are we dealing here?** We are dealing with a case **where there was a prone cow before him,** and he tried, without success, to cause it to stand, **and he said: This cow thinks it** will **not stand; I am hereby a nazirite** and therefore will refrain **from its flesh if it stands of its own accord, and** in fact **it stood of its own accord. Beit Shammai follow their** standard **approach and Beit Hillel follow their** standard **approach.**

בֵּית שַׁמַּאי דְּאָמְרִי: ״מִן הַגְּרוֹגָרוֹת וּמִן הַדְּבֵילָה״ הָוֵי נָזִיר – הָכָא נַמִּי, כִּי אָמַר ״מִבְּשָׂרָהּ״ – הָוֵי נָזִיר. וּבֵית הִלֵּל אוֹמְרִים: לָא הָוֵי נָזִיר.

The Gemara explains: **Beit Shammai, who say** that one who vows to be a nazirite and therefore will refrain **from dried figs and from cakes of dried figs is a nazirite,** say that **here too, when he says: I am hereby a nazirite** and therefore will refrain **from its flesh, is a nazirite.** Since one does not utter a statement for naught, he is held to the first part of his statement: I am hereby a nazirite, and the words: And therefore will refrain from its flesh, are disregarded. **And Beit Hillel say: He is not a nazirite.**

וְהָא אֲמָרוּהָ בֵּית שַׁמַּאי חֲדָא זִימְנָא. אֲמַר רָבָא: תַּרְתֵּי תְּלָת. וְכֵן תָּנֵי רַבִּי חִיָּיא תַּרְתֵּי תְּלָת. וְכֵן אָמַר רַבִּי אוֹשַׁעְיָא תַּרְתֵּי תְּלָת.

The Gemara raises a difficulty: **But** if Rami bar Ḥama is correct, **didn't Beit Shammai** already **say this** *halakha* **one time?** According to Rami bar Ḥama's explanation, this mishna and the previous one differ only with regard to the examples provided, but the principle is identical. **Rava said:** It is normal for the Sages to cite **two** or **three** examples from different cases that offer novel perspectives, although they essentially reflect the same principle. **And Rabbi Ḥiyya also taught two** or **three** examples with regard to this same issue. **And Rabbi Oshaya also said two** or **three** examples.

וְצָרִיכִי; דְּאִי אִיתְּמַר בְּהָא, גְּרוֹגָרוֹת וּדְבֵילָה – הָתָם הוּא דְּאָמְרִי בֵּית שַׁמַּאי הָוֵי נָזִיר, מִשּׁוּם דְּמִיחַלְּפָן בַּעֲנָבִים. אֲבָל בָּשָׂר בַּעֲנָבִים – לָא מִיחַלַּף. וְאִי אִיתְּמַר בָּשָׂר – הָכָא הוּא דְּאָמְרִי בֵּית שַׁמַּאי הָוֵי נָזִיר בְּבִישָׂרָא וְחַמְרָא, אֲבָל גְּרוֹגָרוֹת וּדְבֵילָה – לָא, קָא מַשְׁמַע לָן.

And all these cases **are necessary, as, if it were stated** only that he is a nazirite **in this** case of **dried figs and cakes of dried figs,** it could have been said that it is only **there that Beit Shammai say he is a nazirite, since** figs **are confused with grapes,** and it is reasonable to assume that he had grapes in mind. **But meat is** certainly **not confused with grapes,** and it could be that in the case of the mishna he is not a nazirite even according to Beit Shammai. **And if it were stated** only that he is a nazirite where he vowed that **meat** was forbidden to him, it could have been said that **it is here that Beit Shammai say he is a nazirite** because he was referring to the often-paired **meat and wine,** and it is reasonable to assume that he might have had wine in mind. **But dried figs and cakes of dried figs** are not paired with wine, so he should **not** be a nazirite. To counter that claim, the mishna **teaches us** that he is a nazirite in both cases.

BACKGROUND

Meal-offering of a *sota* – מִנְחַת סוֹטָה: This is the meal-offering brought by a suspected adulteress [*sota*] (Numbers 5:11–31). A suspected adulteress, whose husband brings her to the Temple to undergo the biblical procedure to test her faithfulness to him, is required to bring a meal-offering of barley flour, unlike most meal-offerings, which are brought from wheat flour. No oil or incense is added to it (Numbers 5:15). A handful of flour is removed from this offering, and the remainder of it is eaten by the priests (Numbers 5:25–26).

HALAKHA

This cow said, etc. – אָמְרָה פָּרָה זוֹ וכו׳: Some authorities cite this mishna as proof that if one makes his vow dependent on an event that he does not expect to occur, as is the case here, it still is a vow, despite the fact that this is considered a stipulation of surety (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 562:13 and *Ḥoshen Mishpat* 207:19; see *Beur HaGra* there).

NOTES

Rabbi Yehuda said, etc. – אָמַר רַבִּי יְהוּדָה וכו׳: The Commentary on *Nazir* writes on the next page that Rabbi Yehuda certainly agrees with regard to the case of: The door said, that it cannot be comparing a door to an offering, since a door cannot be described in terms of an offering. However, Rabbeinu Todros writes that in that case one might render the wood of a door forbidden to himself by a vow, in the manner of a standard vow of prohibition, where an item is rendered forbidden by one comparing the item to an offering.

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וְאִי אִיתְּמַר הָנֵי תְּרֵתֵי – הָנֵי הוּא דְּקָאָמְרִי בֵּית שַׁמַּאי, אֲבָל דֶּלֶת – אֵימָא מוֹדוּ לְהוּ לְבֵית הִלֵּל. וְאִי תְּנָא דֶּלֶת – בְּהָא קָאָמְרִי בֵּית הִלֵּל, אֲבָל בְּהַךְ תַּרְתֵּי – אֵימָא מוֹדוּ לְהוּ לְבֵית שַׁמַּאי, קָמַשְׁמַע לָן דְּלָא.

And if it were stated only that he is a nazirite with regard to **these two** cases of figs and meat, it could be said: It is in **these** cases **that Beit Shammai say** he is a nazirite, **but** in the case of **a door, I will say they concede to Beit Hillel** that such a statement certainly does not constitute a vow of naziriteship. Therefore, this case had to be stated as well. **And** conversely, **if** it **taught** only the case of **a door,** the opposite could be said, i.e., that it is **in this** case that **Beit Hillel say** there is no naziriteship, **but in these two** earlier cases **I will say they concede to Beit Shammai** that the individual has taken a vow of naziriteship. The *tanna* therefore **teaches us that** this is **not** the case; in fact, Beit Shammai hold that he is a nazirite in all three cases, and Beit Hillel hold that he is not.

אֲמַר רָבָא: מִי קָתָנֵי ״אִם עָמְדָה מֵאֵלֶיהָ״? אֶלָּא אֲמַר רָבָא: כְּגוֹן שֶׁהָיְתָה פָּרָה רְבוּצָה לְפָנָיו, וְאָמַר ״הֲרֵי עָלַי קָרְבָּן״. בְּשִׁלְמָא פָּרָה – בַּת קָרְבָּן הִיא, אֶלָּא דֶּלֶת בַּת קָרְבָּן הִיא? אֶלָּא אֲמַר רָבָא: כְּגוֹן שֶׁהָיְתָה פָּרָה רְבוּצָה לְפָנָיו,

After providing the answer to one difficulty raised against Rami bar Ḥama's explanation, Rava presents another problem. **Rava said: Is** the mishna **teaching: If it stood of its own accord?** The mishna states: If it stands, and does not mention the condition of: On its own accord. **Rather, Rava said:** The mishna is referring to a case **where there was a prone cow before him, and he said: It is** incumbent **upon me to bring** it as a nazirite **offering,**[N] and in this way the individual accepts naziriteship upon himself. The Gemara raises a difficulty: **Granted, a cow** can **be an offering, but** can **a door be an offering?** How can his vow that a door should be an offering be considered an acceptance of naziriteship? **Rather, Rava said** it means the following: It is a case **where there was a prone cow before him** refusing to stand,

NOTES

And he said: It is incumbent upon me to bring it as a nazirite offering – וְאָמַר הֲרֵי עָלַי קָרְבָּן: This is not the conclusion of Rava's statement, as he has yet to explain the mishna. The Gemara interrupts his statement to clarify how his approach fits with the case of a door. Once it clarifies this point, the Gemara returns and quotes Rava's explanation in full (Commentary on *Nazir*; *Tosafot*).

Perek **II**
Daf **10** Amud **b**

וְאָמַר ״הֲרֵינִי נָזִיר מִיַּיִן אִם לֹא עָמְדָה״. וְעָמְדָה מֵאֵלֶיהָ; בֵּית שַׁמַּאי סָבְרִי: תּוּרְפֵּיהּ דְּהַאי גַּבְרָא מִשּׁוּם אוֹקְמָהּ בִּידֵיהּ הוּא, וְהָא לָא אוֹקְמָהּ. וּבֵית הִלֵּל סָבְרִי: מִשּׁוּם דְּרְבִיעָא הוּא, וְהָא קָמַת.

and he said: I am hereby a nazirite and therefore will refrain **from wine**[N] **if it does not stand,** since I will force it to do so, **and it stood of its own accord,** without him causing it to stand. **Beit Shammai hold: This man's intention** [*turpeih*][NL] **is based upon him having it stand by his** own **hand, and he did not have it stand.** Since he did not cause it to stand, his vow of naziriteship takes effect. **And Beit Hillel hold:** His intention **is based upon** the fact **that it was prone, and** now **it has stood.** Since the cow stood up it does not matter what caused it to stand, and his vow of naziriteship does not take effect.

אִי הָכִי, אֵימָא סֵיפָא: אָמַר רַבִּי יְהוּדָה: אַף כְּשֶׁאָמְרוּ בֵּית שַׁמַּאי לֹא אָמְרוּ אֶלָּא בְּאוֹמֵר ״הֲרֵי הֵן עָלַי קָרְבָּן״. פָּרָה מִי קָא מַתְפִּיס בָּהּ מִידֵּי?

The Gemara asks: **If so, say the latter clause** of the mishna as follows: **Rabbi Yehuda said: Even when Beit Shammai said** the vow is effective **they said** so **only with regard to one who said: They are hereby** forbidden **to me** as **an offering.** But **does he** take a vow and **extend any** prohibition **to the cow?** Since according to this approach, he explicitly mentions naziriteship, the cow is not rendered forbidden but is merely the subject of a condition of the vow, so why does Rabbi Yehuda speak of a prohibition on the cow?

אֶלָּא, כְּגוֹן דְּאָמַר ״הֲרֵינִי נָזִיר מִבְּשָׂרָהּ אִם לֹא עָמְדָה״ וְעָמְדָה מֵאֵלֶיהָ; בֵּית שַׁמַּאי סָבְרִי: תּוּרְפֵּיהּ דְּהַהוּא גַּבְרָא מִשּׁוּם אוֹקְמָהּ בִּידֵיהּ הוּא, וְהָא לָא אוֹקְמָהּ. וּבֵית הִלֵּל סָבְרִי: תּוּרְפֵּיהּ דְּהַאי גַּבְרָא מִשּׁוּם דְּרְבִיעָא, וְהָא קָמַת.

The Gemara offers another explanation: **Rather,** the mishna is referring to a case **where he said: I am hereby a nazirite** and therefore will refrain **from its flesh if it does not stand, and it stood of its own accord. Beit Shammai hold: That man's intention is based upon** him **having it stand by his own hand, and he did not have it stand.** Since he did not cause it to stand, his vow of prohibition takes effect. **And Beit Hillel hold: This man's intention is based upon** the fact **that it was prone, and** now **it has stood,** so his vow does not take effect.

וּבֵית הִלֵּל סָבְרִי אִי לָא קָמַת הָוֵי נָזִיר? וְהָאָמְרִי ״מִבְּשָׂרָהּ״ לָא הָוֵי נָזִיר.

The Gemara asks: **And** do **Beit Hillel hold** that **if** the cow **does not stand he will be a nazirite? But didn't they say** that if one states: I am hereby a nazirite and therefore will refrain **from** the cow's **flesh, he is not a nazirite,** just as they ruled in a case where one states that he is a nazirite from dried figs?

NOTES

And he said: I am hereby a nazirite from wine – וְאָמַר הֲרֵינִי נָזִיר מִיַּיִן: *Tosafot* ask: After questioning Rami bar Ḥama for adding to the mishna the phrase: Of its own accord, how can Rava himself adjust the wording of the mishna by adding the word: Not? They answer that a mishna may be deemed incomplete if there is no other explanation. The criticism of Rami bar Ḥama was that he was adding a phrase in a case where it was not needed for the explanation of the mishna, as the dispute of Beit Shammai and Beit Hillel does not depend upon the precise wording of the condition. The Commentary on *Nazir* maintains that the words attributed to the cow do not serve as his precise vow but merely express his general intention. In this case, the individual says: It is as though the cow says it will be a nazirite if it stands, which indicates that the man himself will be a nazirite if it does not stand.

This man's intention [*turpeih*] – תּוּרְפֵּיהּ דְּהַאי גַּבְרָא: Some commentaries explain that *turpeih* means revealed, i.e., the revealed aspect of his intention (*Tosafot*). It is therefore similar to the *toref* of a document, which refers to the part of a document that explicitly summarizes its conditions. The *Arukh* cites the slightly different explanation (see Commentary on *Nazir*) that *turpeih* means the main part of his statement, just as the *toref* of a document is its most important section. The Rosh combines these two interpretations.

LANGUAGE

Intention [*turpeih*] – תּוּרְפֵּיהּ: Some commentaries explain that *turpeih* in this context means: His main desire. Others assert that it comes from the Greek τροπή, *tropē*, meaning tendency or direction (see *Arukh* and *Tosafot*).

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לְטַעֲמַיְיהוּ דְּבֵית שַׁמַּאי אָמְרִי: לְדִידָן – אֲפִילּוּ לָא קָמַת נַמִּי לָא הָוֵי נָזִיר, לְדִידְכוּ דְּאָמְרִיתּוּ הָוֵי נָזִיר – אוֹדוּ לָן מִיהַת דְּתוּרְפֵּיהּ דְּהָדֵין גַּבְרָא מִשּׁוּם דְּרָבִיעָא, וְהָא קָמַת. וּבֵית שַׁמַּאי: לָאו תּוּרְפֵּיהּ דְּהַאי גַּבְרָא מִשּׁוּם אוֹקָמָהּ בִּידֵיהּ הוּא – וְהָא לָא אוֹקְמָהּ.

The Gemara answers: **They stated** their opinion **in accordance with the reasoning of Beit Shammai: According to our** opinion, **even** if the cow **does not stand he is also not a nazirite,** since naziriteship takes effect only if he vowed that products of the vine are forbidden to him. However, **according to your** reasoning **that you say he is a nazirite, in any event concede to us that this man's intention is based upon** the fact **that** the cow **was prone, and it has stood,** so the naziriteship should not take effect. **And Beit Shammai** hold: **Isn't this man's intention based upon** him **having it stand by his own hand, and he did not have it stand?** Since his condition was not fulfilled, the naziriteship does not take effect.

Perek **II**
Daf **11** Amud **a**

מתני׳ מָזְגוּ לוֹ אֶת הַכּוֹס, וְאָמַר ״הֲרֵינִי נָזִיר מִמֶּנּוּ״ – הֲרֵי זֶה נָזִיר. מַעֲשֶׂה בְּאִשָּׁה אַחַת שֶׁהָיְתָה שִׁיכּוֹרָה, וּמָזְגוּ לָהּ אֶת הַכּוֹס, וְאָמְרָה ״הֲרֵינִי נְזִירָה מִמֶּנּוּ״. אָמְרוּ חֲכָמִים: לֹא נִתְכַּוְּונָה זוֹ אֶלָּא לוֹמַר ״הֲרֵי הוּא עָלַי קָרְבָּן״.

MISHNA If **they poured one a cup**[H] of wine **and he said: I am hereby a nazirite** and therefore will refrain **from it, he is a** full-fledged **nazirite** who must observe all the *halakhot* of naziriteship. **An incident** occurred **with regard to a certain woman who was intoxicated**[N] from wine, **and they poured a cup for her and she said: I am hereby a nazirite** and therefore will refrain **from it. The Sages said: This** woman **did not intend** to accept naziriteship **but** rather, meant **to say: It is hereby** forbidden **to me** as **an offering.** She vowed against deriving benefit from that cup alone, since she did not want to drink any more.

גמ׳ מַעֲשֶׂה לִסְתּוֹר?! אָמְרַתְּ רֵישָׁא ״הֲרֵי זֶה נָזִיר״. וְהַדַּר תָּנֵי ״מַעֲשֶׂה בְּאִשָּׁה אַחַת״. אַלְמָא בְּהַאי הוּא דְּאָסוּר, הָא יֵינָא אַחֲרִינָא – שָׁרֵי!

GEMARA The Gemara asks: Was **an incident** cited **to contradict** the previous ruling? **You said in the first clause** of the mishna that if one said that he is hereby a nazirite and therefore will refrain from a cup that was poured for him, then **he is a nazirite. And** the *tanna* **then teaches: An incident** occurred **with regard to a certain woman** who said: I am hereby a nazirite and therefore will refrain from it, which the Sages interpreted as a vow rendering the cup forbidden to her like an offering. **Apparently it is** only **with regard to this** cup of wine **that is forbidden** to her; **consequently,** any **other wine is permitted,** and she is not a nazirite.

חַסּוּרֵי מִיחַסְּרָא וְהָכִי קָתָנֵי: מָזְגוּ לוֹ אֶת הַכּוֹס וְאָמַר ״הֲרֵינִי נָזִיר מִמֶּנּוּ״ – הֲרֵי זֶה נָזִיר. וְאִם שִׁיכּוֹר הוּא, וְאָמַר ״הֲרֵינִי נָזִיר מִמֶּנּוּ״ – אֵינוֹ נָזִיר; מַאי טַעְמָא – כְּמַאן דְּאָמַר ״הֲרֵי עָלַי קָרְבָּן״ הוּא. וְכִי תֵּימָא: לֵימָא הָכִי – סָבַר: מַיְיתִין לִי אַחֲרִינָא וּמְצַעֲרָן לִי, אֵימָא לְהוּ הָא מִילְּתָא דְּפִסְקָא לְהוּ; וּמַעֲשֶׂה נַמִּי בְּאִשָּׁה אַחַת.

The Gemara answers: The mishna **is incomplete and is teaching the following:** If **they poured a cup** of wine **for one and he said: I am hereby a nazirite** and therefore will refrain **from it, he is a nazirite. And if he is intoxicated** and they pour a cup of wine for him **and he said: I am hereby a nazirite** and therefore will refrain **from it, he is not a nazirite. What is the reason** for this? **He is** considered to be **like one who said:** This cup **is** forbidden **to me** like **an offering.** The Gemara asks: **And if you would say** that this was his meaning, **let him say so** explicitly; why would he say: I am hereby a nazirite and therefore will refrain from it? The reason is because **he maintains:** If I specify this cup, **they will bring me another**[N] cup **and aggravate me** with it. It is better that **I say to them this statement, which is definitive to them,** and they will understand that I do not want to drink any more wine. The mishna continues: **And an incident also** occurred **with regard to a certain woman** who was intoxicated[H] and took this vow, and the Sages explained her statement accordingly.

מתני׳ ״הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֲהֵא שׁוֹתֶה יַיִן וּמִיטַּמֵּא לַמֵּתִים״ – הֲרֵי זֶה נָזִיר, וְאָסוּר בְּכוּלָּן.

MISHNA If one says: **I am hereby a nazirite on the condition that I will** be allowed to **drink**[H] **wine and may become** ritually **impure from corpses,** i.e., he wishes to be a nazirite only with respect to the growth of his hair, **he is a** full-fledged **nazirite and is prohibited from** engaging in **all of the** behaviors forbidden to a nazirite, including consuming products of the vine and contracting impurity from a corpse.

HALAKHA

If they poured one a cup, etc. – מָזְגוּ לוֹ אֶת הַכּוֹס וכו׳: If a cup of wine was poured for an individual and he said: I am hereby a nazirite and therefore will abstain from it, he is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:11).

And an incident also occurred with regard to a certain woman – וּמַעֲשֶׂה נַמִּי בְּאִשָּׁה אַחַת: If one was depressed or a mourner, and when his friends attempted to persuade him to drink to relieve his misery he said: I am hereby a nazirite and therefore will abstain from it, only that cup is forbidden to him, and he is not a nazirite. Similarly, if one was intoxicated and, when a cup of wine was poured for him, said: I am hereby a nazirite and therefore will abstain from it, only that cup is forbidden to him. If he was completely intoxicated, like Lot, his statement is entirely disregarded (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:11–12).

I am hereby a nazirite on the condition that I will drink, etc. – הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֲהֵא שׁוֹתֶה וכו׳: If one said: I am hereby a nazirite on the condition that I may drink wine, or: That I may become impure from corpses, he is a nazirite, and all of the prohibitions of naziriteship apply to him, since he cannot stipulate counter to what is written in the Torah (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:13).

NOTES

Who was intoxicated [*shikkora*] – שֶׁהָיְתָה שִׁיכּוֹרָה: A variant version of the text reads: *Shikolet*, instead of: *Shikkora*, meaning that she did not want to drink wine because she was bereaved [*shekula*]. This reading is followed in the Rambam's Commentary on the Mishna (see Rav Kapaḥ's version), and the Rambam similarly rules in the *Mishne Torah* that if one was in mourning or otherwise in despair, and upon being offered wine to assuage his pain said: I am hereby a nazirite and therefore will abstain from it, he meant to render only this cup forbidden to himself, and he is not a nazirite.

They will bring me another – מַיְיתִין לִי אַחֲרִינָא: The Rosh and other commentaries explain that it is common for people to pressure an intoxicated person to drink more. This person therefore forces them to stop offering him more to drink. Conversely, a sober person who is not being pressured by anyone to drink would state that he is a nazirite only if he actually wanted to be a nazirite. If he wanted to vow that only the cup before him is forbidden to him, he would word his statement in the following manner: It is forbidden to me like an offering.

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HALAKHA

I know that there is naziriteship, etc. – יוֹדֵעַ אֲנִי שֶׁיֵּשׁ נְזִירוּת וכו׳: If one vows to be a nazirite and then says he did not know that a nazirite is prohibited from drinking wine, contracting impurity from corpses, or cutting his hair, he is nevertheless a nazirite and is bound by all of these prohibitions (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:14).

I thought that the Sages would permit me, etc. – סָבוּר הָיִיתִי שֶׁהֶחָכָמִים מַתִּירִין לִי וכו׳: If one vowed to be a nazirite and was aware of the relevant prohibitions but thought that the Sages would permit him to drink wine because he needs to, or that they would permit him to contract impurity from corpses because he earns his living by burying the dead, he is not a nazirite, as it is considered an unwitting vow (Rambam *Sefer Hafla'a Hilkhot Nezirut* 1:15; see Ra'avad and *Kesef Mishne* there).

Stipulates counter to that which is written in the Torah – הַמַּתְנֶה עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה: If one stipulates a condition that contradicts a mitzva of the Torah, the condition is entirely disregarded (Rambam *Sefer Nashim*, *Hilkhot Ishut* 6:8–10, 12:7; *Sefer Hafla'a*, *Hilkhot Nezirut* 1:13; *Sefer Zera'im*, *Hilkhot Mattenot Aniyyim* 5:8; and *Sefer Zera'im*, *Hilkhot Bikkurim* 9:11; *Shulḥan Arukh*, *Yoreh De'a* 61:29; *Even HaEzer* 38:5, 69:6; and *Ḥoshen Mishpat* 26:3–4, 61:6, 97:28).

"יוֹדֵעַ אֲנִי שֶׁיֵּשׁ נְזִירוּת אֲבָל אֵינִי יוֹדֵעַ שֶׁהַנָּזִיר אָסוּר בְּיַיִן" – הֲרֵי זֶה אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר. "יוֹדֵעַ אֲנִי שֶׁהַנָּזִיר אָסוּר בְּיַיִן, אֲבָל סָבוּר הָיִיתִי שֶׁהֶחָכָמִים מַתִּירִין לִי מִפְּנֵי שֶׁאֵין אֲנִי יָכוֹל לִחְיוֹת אֶלָּא בְּיַיִן" אוֹ "מִפְּנֵי שֶׁאֲנִי קוֹבֵר אֶת הַמֵּתִים" – הֲרֵי זֶה מוּתָּר, וְרַבִּי שִׁמְעוֹן אוֹסֵר.

If one stated a vow of naziriteship and then said: **I know that there is naziriteship,**[H] **but I do not know that a nazirite is prohibited from wine, he is prohibited** in all the prohibitions of naziriteship. **But Rabbi Shimon permits** him, since he holds that naziriteship takes effect only if the person accepts all the relevant prohibitions. If one said: **I know that a nazirite is prohibited from wine, but I thought that the Sages** would **permit me**[H] to drink wine **because I cannot live without wine, or:** I thought that the Sages would allow me to contract impurity from corpses **because I bury the dead, he is permitted** and the vow of naziriteship does not take effect, **but Rabbi Shimon prohibits** him.

גמ׳ וְלִפְלוֹג נַמִּי רַבִּי שִׁמְעוֹן בְּרֵישָׁא! אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: חָלוּק הָיָה רַבִּי שִׁמְעוֹן אַף בְּרֵישָׁא.

GEMARA In the second case of the mishna, where one states that he did not know that the prohibitions of naziriteship include wine, Rabbi Shimon says that the naziriteship does not take effect because he did not include all of the prohibitions in his vow. The Gemara therefore asks: **Let Rabbi Shimon disagree** with the first *tanna* **in the first clause** in the mishna **as well,** where one said: I am hereby a nazirite on the condition that I may drink wine. **Rabbi Yehoshua ben Levi said:** In fact, **Rabbi Shimon disagrees even** with the first *tanna* **in the first clause** of the mishna, and the mishna's statement: Rabbi Shimon permits him, is referring to both clauses.

רָבִינָא אָמַר: בְּרֵישָׁא לָא פָּלֵיג רַבִּי שִׁמְעוֹן; מַאי טַעֲמָא – מִשּׁוּם דַּהֲוָה לֵיהּ מַתְנָה עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה, וְכָל הַמַּתְנֶה עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה – תְּנָאוֹ בָּטֵל. וְרַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמַר לָךְ: [הַאי] "עַל מְנָת" – כְּ"חוּץ" דָּמֵי.

Ravina said: Rabbi Shimon does not disagree with the first *tanna* **in the first clause** of the mishna. **What is the reason** for that? It is **because one was stipulating counter to that which is written in the Torah** by attempting to limit an explicit Torah law, **and** with regard to **anyone who stipulates counter to that which is written in the Torah,**[H] **his stipulation is void.** The statement: I am hereby a nazirite, remains valid, and he is therefore a nazirite in all regards. Conversely, **Rabbi Yehoshua ben Levi** could have **said to you: This** phrase: **On the condition,** does not mean he accepts upon himself all the *halakhot* of naziriteship and then adds a stipulation counter to that which is written in the Torah; rather, it is **considered like** he said: **Apart** from. It is as though he stated from the outset that he will be a nazirite apart from one particular aspect. According to Rabbi Yehoshua ben Levi, Rabbi Shimon holds that since he is not trying to stipulate alternative *halakhot* for full naziriteship but is instead accepting a partial naziriteship, his vow takes effect.

תַּנְיָא כְּוָותֵיהּ דְּרָבִינָא: אָמַר "הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֵהָא שׁוֹתֶה יַיִן וּמִיטַּמֵּא לַמֵּתִים" – הֲרֵי זֶה נָזִיר, וְאָסוּר בְּכוּלָּן, מִפְּנֵי שֶׁהוּא מַתְנֶה עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה, וְכָל הַמַּתְנֶה עַל מַה שֶּׁכָּתוּב בַּתּוֹרָה – תְּנָאוֹ בָּטֵל.

The Gemara comments: It **is taught** in the *Tosefta* (*Nazir* 2:2) **in accordance with** the opinion **of Ravina.** If one **said: I am hereby a nazirite on the condition that I will be allowed to drink wine and may become** ritually **impure from corpses, he is a nazirite and is prohibited from all of them because he stipulates counter to that which is written in the Torah, and** with regard to **anyone who stipulates counter to that which is written in the Torah, his stipulation is void.**

"יוֹדֵעַ אֲנִי שֶׁהַנָּזִיר אָסוּר בְּיַיִן". וְהָאֲמַרְתְּ רֵישָׁא: אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר! אֵימָא נַמִּי: הֲרֵי זֶה אָסוּר, וְרַבִּי שִׁמְעוֹן מַתִּיר. וְאִיבָּעֵית אֵימָא: לְעוֹלָם לָא תֵּיפּוֹךְ, הָתָם

§ The final clause of the mishna teaches that if one says: **I know that a nazirite is prohibited from** drinking **wine** but I thought that the Sages would permit me to drink, the Rabbis say that the vow is void, but Rabbi Shimon disagrees. The Gemara asks: **But didn't you say in the earlier clause** of the mishna that with regard to one who says: But I did not know that a nazirite is prohibited from wine, the first *tanna* holds that he is **prohibited and Rabbi Shimon permits** him? What is the difference between the two cases? The Gemara answers: Emend the text and **say** in the final clause **as well: He is prohibited, and Rabbi Shimon permits** him. **And if you wish, say** instead: **Actually, do not reverse** the opinions, and leave the text as it is. Instead, distinguish between the two cases, as **there**

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רֵישָׁא – כְּגוֹן דְּנָזַר מֵחֲדָא; לְרַבָּנַן דְּאָמְרִי דַּאֲפִילּוּ לֹא נָזַר אֶלָּא מֵאַחַת מֵהֶן – הָוֵי נָזִיר, וְאָסוּר. לְרַבִּי שִׁמְעוֹן דְּאָמַר עַד שֶׁיַּזִּיר מִכּוּלָּם – מוּתָּר.

in **the earlier clause,** where one said: I did not know that a nazirite is prohibited from drinking wine, that is a case **where he vowed naziriteship** with regard to only **one** of the prohibitions. The difference of opinion is as follows: **According to the Rabbis, who say that even if he vowed naziriteship** with regard to **only one of the** prohibitions of naziriteship **he is** nevertheless **a nazirite,** in that case **he is prohibited** by all of them, despite not knowing about the prohibition against consuming wine. **According to Rabbi Shimon** who **said** he is not a nazirite **unless he takes a vow of naziriteship** with regard to **all of them,** he is **permitted.**

סֵיפָא – דְּנָדַר מִכּוּלָּהוּ וְאִיתְּשִׁיל מֵחֲדָא;

Conversely, **the last clause** addresses one who **vowed** naziriteship with regard to **all of them,** thereby accepting upon himself all the *halakhot* of naziriteship, **and** now wishes **to request** dissolution **of one** of the prohibitions, thinking that a halakhic authority can dissolve one aspect of his naziriteship.

לְרַבָּנַן דְּאָמְרִי אֲפִילּוּ לֹא נָזַר אֶלָּא מֵאַחַת מֵהֶן הָוֵי נָזִיר, כִּי מִתְּשִׁיל מֵחֲדָא מִינַּיְיהוּ – אִישְׁתְּרִי. לְרַבִּי שִׁמְעוֹן דְּאָמַר עַד שֶׁיַּזִּיר מִכּוּלָּם, כִּי מִתְּשִׁיל נַמִּי מֵהַהוּא – עַד דְּמִתְּשִׁיל מִכּוּלָּהוּ, מִשּׁוּם הָכִי קָתָנֵי: וְרַבִּי שִׁמְעוֹן אוֹסֵר.

The Gemara explains: **According to the Rabbis, who say that even if he vowed naziriteship** with regard to **only one of the** prohibitions of naziriteship **he is** nevertheless **a nazirite,** in that case too, **when he requests** of a halakhic authority to dissolve **one of them, he is permitted** to engage in all of the behaviors forbidden to a nazirite. Just as the acceptance of one part of naziriteship causes one to be bound by all the *halakhot* of naziriteship, dissolution of one element of naziriteship nullifies the entire naziriteship. **According to Rabbi Shimon, who said** that he is not a nazirite **unless he takes a vow of naziriteship** with regard to **all of them, when he requests** dissolution **of that** prohibition, none of the prohibitions are permitted **until he requests** dissolution **of all of** the prohibitions of naziriteship. **Due to this** the mishna **teaches: And Rabbi Shimon prohibits** him.

וְאִיבָּעֵית אֵימָא: בִּנְדָרֵי אוֹנָסִין קָא מִיפַּלְגִי, וּבִפְלוּגְתָּא דִּשְׁמוּאֵל וְרַב אַסִי. דְּתָנַן: אַרְבָּעָה נְדָרִים הִתִּירוּ חֲכָמִים: נִדְרֵי זִירוּזִין, נִדְרֵי הֶבְאֵי, נִדְרֵי שְׁגָגוֹת, נִדְרֵי אוֹנָסִין.

And if you wish, say instead: The Rabbis and Rabbi Shimon **disagree with regard to vows** impeded by **circumstances beyond one's control,**[N] **and** their disagreement is **in the dispute between Shmuel and Rav Asi. As we learned** in a mishna (*Nedarim* 20b): **The Sages dissolved four** types of **vows**[H] without the requirement of a request to a halakhic authority. The first category is **vows of exhortation,** where one employs a vow to urge another to perform some action. The second category is **vows of exaggeration** [***havai***],[L] where one utters a vow that is dependent upon some outlandish claim, such as: I should be bound by a vow if I did not see a square snake. Since he knows that there are no square snakes, it is evident that he is not serious in taking his vow. The third category is **vows that are unintentional,** where one vows for a particular reason and later discovers he was mistaken with regard to the facts; and the fourth is **vows** whose fulfillment are impeded by **circumstances beyond one's control.**

וְאָמַר רַב יְהוּדָה אָמַר רַב אַסִי: אַרְבָּעָה נְדָרִים הַלָּלוּ צְרִיכִין שְׁאֵלָה לַחֲכָמִים. כִּי אָמְרִיתָהּ קַמֵּיהּ דִּשְׁמוּאֵל, אֲמַר לִי: תַּנָּא קָתָנֵי "הִתִּירוּ חֲכָמִים". וְאַתְּ אָמַרְתְּ צְרִיכִין שְׁאֵלָה לַחֲכָמִים?!

The Gemara relates the dispute between Shmuel and Rav Asi: **And Rav Yehuda said** that **Rav Asi said: These four vows require a request** made **to the halakhic authorities** to dissolve them, and the vows are not dissolved unless one does so. Rav Yehuda related: **When I stated this** *halakha* of Rav Asi **before Shmuel, he said to me: The *tanna* teaches** that **the Sages dissolved** them,[H] **and you say they require a request** made **to the halakhic authorities?** Shmuel holds that they are dissolved automatically.

NOTES

With regard to vows impeded by circumstances beyond one's control – בִּנְדָרֵי אוֹנָסִין: The parallel is that just as with vows impeded by circumstances beyond one's control the *halakha* is that circumstances beyond one's control release one from the vow, even though he pronounced it with the full intention of fulfilling it, here too, the inability to fulfill the vow, due to one's inability to live without wine, or due to his need to bury the dead, nullifies the naziriteship (Commentary on *Nazir*; *Tosafot*). Some early commentaries question the comparison to vows impeded by circumstances beyond one's control, as there the fulfillment of the vow was within one's power at the time of its pronouncement, and the circumstances impeding the fulfillment of the vow arose later, whereas here, the contraindicative circumstance was present from the outset. They answer (*Tosafot*, citing Rabbeinu Tam; Rosh) that here too, this is referring to a situation where the individual vowed to be a nazirite before the contraindicative circumstance began. It was only later that he weakened and required wine, or found it necessary to bury the dead in order to earn a living or because no one else was available to perform the task.

HALAKHA

The Sages dissolved four types of vows – אַרְבָּעָה נְדָרִים הִתִּירוּ חֲכָמִים: One who pronounces a vow of exhortation, a vow of exaggeration, vows that are unintentional, or a vow impeded by circumstances beyond one's control is not bound by the vow. The same applies to these types of oaths and to these types of vows of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 3:1, 3, *Hilkhot Nedarim* 4:1, 3, and *Hilkhot Nezirut* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 232:1).

The Sages dissolved – הִתִּירוּ חֲכָמִים: The four types of vows dissolved by the Sages do not require dissolution by a halakhic authority but are dissolved automatically (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 3:1, 3, *Hilkhot Nedarim* 4:1, 3, and *Hilkhot Nezirut* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 232:1).

LANGUAGE

Exaggeration [*havai*] – הֶבְאֵי: *Havai* means an insubstantial matter, words of exaggeration, or prattle.

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HALAKHA

I am hereby a nazirite and it is incumbent upon me to shave, etc. – הֲרֵינִי נָזִיר וְעָלַי לְגַלֵּחַ וכו׳: If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite, and another heard and said: And I, and it is incumbent upon me to shave a nazirite, they are both nazirites and must pay for the offerings of a nazirite. If they are perspicacious, each of them may pay for the offerings of the other. If they do not do so, they are obligated to pay for the offerings of other nazirites (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:19).

And I, indicates acceptance of the beginning of the statement – וַאֲנִי עַל תְּחִילַּת דִּיבּוּרָא מַשְׁמַע: If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite, and another heard and said: And I, the latter is obligated to observe naziriteship but he is not required to shave a nazirite, since his statement refers only to the vow of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:19).

רַבָּנַן סָבְרִי כִּשְׁמוּאֵל, וְרַבִּי שִׁמְעוֹן כְּרַב אַסִי.

The Gemara continues its explanation: The dispute between the Rabbis and Rabbi Shimon in the last clause of the mishna is also with regard to this *halakha*. This case is referring to a kind of a vow impeded by circumstances beyond one's control, as he claims that he has no choice but to drink wine or contract impurity from corpses. **The Rabbis hold in accordance with** the opinion of **Shmuel,** and therefore the vow is dissolved automatically, without the need to request dissolution from a halakhic authority; **and Rabbi Shimon holds in accordance with** the opinion of **Rav Asi** that one must make a request to a halakhic authority to dissolve the vow, and he remains a nazirite until he does so.

מתני׳ ״הֲרֵינִי נָזִיר וְעָלַי לְגַלֵּחַ נָזִיר״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי וְעָלַי לְגַלֵּחַ נָזִיר״. אִם הָיוּ פִּקְחִים – מְגַלְּחִין זֶה אֶת זֶה, וְאִם לָאו – מְגַלְּחִין נְזִירִים אֲחֵרִים.

MISHNA If one says: **I am hereby a nazirite and it is** incumbent **upon me to shave**[H] **a nazirite,** meaning he will also pay for the offerings that a nazirite brings when he cuts his hair; **and another heard and said: And I** too am a nazirite **and it is** incumbent **upon me to shave a nazirite,** the other is also a nazirite and is obligated to pay for the offerings of a nazirite. **If they were perspicacious** and wish to limit their expenses, **they shave each other.** They may each pay for the other's offerings, so that their additional vows will not cost them anything. **And if not,** if this arrangement did not occur to them and each brought his own offerings, **they shave other nazirites,** i.e., they must pay for the offerings of other nazirites.

גמ׳ אִיבַּעְיָא לְהוּ: שָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״. מַהוּ? ״וַאֲנִי״ אַכּוּלֵּיהּ דִּיבּוּרָא מַשְׁמַע, אוֹ דִלְמָא אַפַּלְגֵּיהּ דְּדִיבּוּרָא מַשְׁמַע? אִם תִּמְצֵי לוֹמַר אַפַּלְגֵּיהּ דְּדִיבּוּרָא מַשְׁמַע, אַרֵישָׁא אוֹ אַסֵּיפָא?

GEMARA **A dilemma was raised before** the Sages. If one said: I am hereby a nazirite and it is incumbent upon me to shave a nazirite as well, and **another heard and said** only: **And I, what is** the *halakha*? Do we say that: **And I, indicates** acceptance **of the entire statement** of the first one, which would mean he is both a nazirite and must shave a nazirite, **or perhaps it indicates** acceptance **of** only **half the statement** of the first speaker? **If you say it indicates** acceptance **of** only **half the statement,** does it indicate acceptance **of the first clause,** i.e., I am hereby a nazirite, **or the last clause,** i.e., it is incumbent upon me to shave a nazirite?

תָּא שְׁמַע: ״וַאֲנִי וְעָלַי לְגַלֵּחַ נָזִיר״ אִם הָיוּ פִּקְחִים – מְגַלְּחִין זֶה אֶת זֶה. מִדְּקָאָמַר ״וַאֲנִי וְעָלַי״ שְׁמַע מִינָּה ״וַאֲנִי״ אַפַּלְגֵּיהּ דְּדִיבּוּרָא. אָמְרִי: אִין, אַפַּלְגֵּיהּ דְּדִיבּוּרָא מַשְׁמַע, מִיהוּ אַרֵישָׁא אוֹ אַסֵּיפָא? מִינָּהּ, מִדְּקָאָמַר ״וְעָלַי לְגַלֵּחַ״ – שְׁמַע מִינָּהּ ״וַאֲנִי״ עַל תְּחִילַּת דִּיבּוּרָא מַשְׁמַע.

The Gemara suggests: **Come** and **hear** a proof from the mishna. If a second person said: **And I, and it is** incumbent **upon me to shave a nazirite,** then **if they are perspicacious they shave each other. From** the fact **that it says: And I, and it is** incumbent **upon me,** you can **learn from this** that: **And I, indicates** acceptance **of** only **half the statement,** as otherwise he would not need to add the second part. The Sages **say** in response to this attempted proof: **Yes,** this proves that it **indicates** acceptance **of** only **half the statement. However,** the other question still has not been answered: Is he referring **to the first** part of the original statement **or to the last** part? The Gemara answers: This can be learned **from** the mishna **itself. From** the fact **that it says: And it is** incumbent **upon me to shave** a nazirite, one can **learn from this** that: **And I, indicates** acceptance **of the beginning of the statement**[H] to become a nazirite, which is why one has to add that he must also pay for the offerings of a nazirite.

אֲמַר לֵיהּ רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ לְרָבָא: מְמַאי דְּהָכִי? לְעוֹלָם אֵימָא לָךְ ״וַאֲנִי״ אַכּוּלֵּיהּ דְּדִיבּוּרָא, וְאִי מְשׁוּם ״וְעָלַי״. מַאי קָאָמַר – וְעָלַי בְּהָא מִילְּתָא. דְּאִי לָא תֵּימָא הָכִי, דְּקָתָנֵי סֵיפָא: ״הֲרֵי עָלַי לְגַלֵּחַ חֲצִי נָזִיר״ וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי עָלַי לְגַלֵּחַ חֲצִי נָזִיר״. הָתָם מִי אִיכָּא תַּרְתֵּין מִילֵּי? אֶלָּא מַאי קָאָמַר ״עָלַי״ – בְּהָא מִילְּתָא, הָכָא נַמִּי כִּי קָאָמַר ״עָלַי״ – בְּהָא מִילְּתָא.

Rav Huna, son of Rav Yehoshua, said to Rava: From where do you know **that** it **is so** that the words: And I, are referring to the first part of the statement? **Actually, I will say to you** that: **And I,** is referring **to the entire statement, and if** you claim otherwise **because** he added: **And it is** incumbent **upon me,** the explanation of **what he is saying** is: **And it is** incumbent **on me** to do **this matter.** He was merely clarifying what his intention was when he said: And I. **As, if you do not say so,** then with regard to **that which is taught in the last clause,** in the following mishna, that if one said: **It is** incumbent **upon me to shave half a nazirite, and another heard** that **and said: And I, it is** incumbent **upon me to shave half a nazirite,** then **there, are there two statements?** That mishna is addressing only a single vow. **Rather, what is he saying** by using the words: **It is** incumbent **upon me?** He is referring **to that** whole **matter; here too,** in this mishna, **when he says: And it is** incumbent **upon me,** he is referring **to that** whole **matter.**

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אֲמַר לֵיהּ רָבָא: הָכִי הָשְׁתָּא?! אִי אָמְרַתְּ בִּשְׁלָמָא רֵישָׁא צְרִיכָא סֵיפָא לָא צְרִיכָא, תָּנֵי סֵיפָא דְּלָא צְרִיכָא מִשּׁוּם רֵישָׁא דְּצְרִיכָא. אֶלָּא אִי אָמְרַתְּ רֵישָׁא לָא צְרִיכָא סֵיפָא לָא צְרִיכָא, תָּנֵי רֵישָׁא דְּלָא צְרִיכָא וְתָנֵי סֵיפָא דְּלָא צְרִיכָא?!

Rava said to him: How can these cases **be compared? Granted, if you say** that in **the first clause** it **is necessary** to teach both parts of the statement and in **the latter clause** it **is not necessary** to teach both parts of the statement, then it can be said that **he taught the unnecessary latter clause due to the necessary first clause,** as it is typical for a mishna to phrase both of its sections in the same style. **But if you say** that it **is not necessary** to teach both parts of the statement in **the first clause** and it is also **not necessary** to teach both parts of the statement in **the latter clause,** as one has accepted the other's entire statement by saying: And I, would the *tanna* **teach an unnecessary first clause and teach an unnecessary latter clause?** Since the addition of: And it is incumbent upon me, is not required in the latter mishna, it must be necessary in this mishna, so the inference of Rava is correct.

אָמַר רַבִּי יִצְחָק בַּר יוֹסֵף אָמַר רַבִּי יוֹחָנָן: הָאוֹמֵר לִשְׁלוּחוֹ,

§ After analyzing the mishna itself, the Gemara turns to a related issue. **Rabbi Yitzḥak bar Yosef said** that **Rabbi Yoḥanan said: One who says to his agent:**

Perek **II**
Daf **12** Amud **a**

"צֵא וְקַדֵּשׁ לִי אִשָּׁה" סְתָם – אָסוּר בְּכָל הַנָּשִׁים שֶׁבָּעוֹלָם; חֲזָקָה שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ, וְכֵיוָן דְּלָא פָּרֵישׁ לֵיהּ – הָא לֹא יָדַע הֵי נִיהוּ קַדֵּישׁ לֵיהּ.

Go out and betroth[N] **a woman for me, without specifying** a particular woman; from that moment onward the one who appointed the agent is **forbidden to all the women**[N] **in the world** until he finds out which woman the agent betrothed. There is a **presumption** that **an agent performs his** assigned **agency**[H] and that he has betrothed a woman for him, **and since** the agent **did not clarify to him** which woman he chose, **he** therefore **does not know which** woman **is the one betrothed to him.** If he now betroths another woman, it is possible that she is the daughter, sister, or mother of the one his agent betrothed on his behalf and is therefore forbidden to him.

אֵיתִיבֵיהּ רֵישׁ לָקִישׁ לְרַבִּי יוֹחָנָן: קֵן סְתוּמָה שֶׁפָּרְחָה גּוֹזָל אֶחָד מֵהֶן לָאֲוִיר הָעוֹלָם, אוֹ שֶׁפָּרְחָה לְבֵין חַטָּאוֹת הַמֵּתוֹת, אוֹ שֶׁמֵּת אֶחָד מֵהֶן – יִקַּח זוּג לַשֵּׁנִי.

Reish Lakish raised an objection to Rabbi Yoḥanan from a mishna (*Kinnim* 2:1): With regard to an impure person who comes to undergo his purification process, and for this purpose set aside **an unspecified nest,**[B] meaning a pair of turtledoves or pigeons, to use for his offerings. One is to be a burnt-offering and one is to be a sin-offering, and he had not yet specified which bird will be used for which offering. If **one fledgling of the** pair **flew**[H] **away** and escaped **to the** open **air of the world, or** if it **flew among** birds invalidated for **sin-offerings that** have been left to **die,**[N] **or if one of them died,** in each of these cases the owner of the nest **purchases a partner for the second,** i.e., remaining, bird. At that point he may decide which is for a sin-offering and which is for a burnt-offering.

HALAKHA

A presumption that an agent performs his assigned agency – חֲזָקָה שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ: If one instructs his agent to perform a matter on his behalf, the latter is presumed to have fulfilled his bidding. In matters of rabbinic law, this rule applies both as a leniency and a stringency. With regard to a matter that involves Torah law, this presumption is used to create a stringency, but a forbidden matter is not permitted based on this presumption (Rambam; Rabbeinu Tam). Others (Rash; Rosh) claim that this presumption can be used to be lenient even with regard to Torah prohibitions, if the agent knew that inaction on his part might lead others to sin (Rambam *Sefer Nashim*, *Hilkhot Ishut* 9:6 and *Sefer Zemanim*, *Hilkhot Eiruvin* 6:22; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 409:8; *Yoreh De'a* 331:34; and *Even HaEzer* 35:11).

An unspecified nest…if a fledgling flew away, etc. – קֵן סְתוּמָה שֶׁפָּרְחָה גּוֹזָל וכו': If one fledgling flew out of an unspecified nest and escaped, or became mingled with sin-offerings that are left to die, or if one of the fledglings died, its owner must bring a new fledgling to pair with the remaining fledgling (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 9:1).

BACKGROUND

Nest – קֵן: A pair of doves, either turtledoves or pigeons, were brought as offerings on a number of occasions. Generally one dove was brought as a burnt-offering and the other as a sin-offering by a woman after childbirth, or as part of the purification process of a woman who had experienced an unusual discharge of uterine blood (see Leviticus 12:6, 15:29). However, there are other cases where both doves were brought as burnt-offerings. Tractate *Kinnim* discusses some of the issues that arise with regard to this offering, e.g., the procedure if the birds are accidentally switched.

NOTES

Go out and betroth, etc. – צֵא וְקַדֵּשׁ וכו': He did not tell the agent which woman or where to find a woman to betroth (Commentary on *Nazir*), and the agent did not come back and inform him of his actions (*She'iltot deRav Aḥai Gaon*), since he either died or left the region *(Halakhot Gedolot)*. If the agent returns and claims he betrothed him to a particular woman, and this is confirmed by the woman, he is deemed credible, since one's agent is like himself and it is as though the man himself made these claims (Rivash).

He is forbidden to all the women – אָסוּר בְּכָל הַנָּשִׁים: The early commentaries question this, as, if there is a concern that the agent may have betrothed any woman to him, then no man should be allowed to betroth any woman, in case she is the one betrothed by the agent. Even if a woman was to claim that she never was betrothed to anyone, she cannot know if her father accepted betrothal on her behalf when she was a minor, at least in the case where her father is not available to clarify this.

Various suggestions have been given to answer this difficulty. *Tosafot* state that the *halakha* in this Gemara is a rabbinic penalty instituted as a disincentive against behaving irresponsibly by appointing an agent with such vague instructions. This penalty is only for the one who appointed the agent, and no one else is impacted by it. In his *Sefer HaYashar*, Rabbeinu Tam writes that the presumption that an agent performs his assigned agency, which is the basis of the prohibition, is by rabbinic law, so the penalty is also by rabbinic law and applies exclusively to the one who appointed the agent. The Rid similarly states that since there is no guarantee that the agent betrothed any woman, the Sages rendered only the one who appointed the agent forbidden, as a penalty.

Flew among birds invalidated for sin-offerings that have been left to die – שֶׁפָּרְחָה לְבֵין חַטָּאוֹת הַמֵּתוֹת: The *halakha* is that any sin-offering whose owner has achieved atonement by means of a replacement offering, or whose owner has died, must be set aside until it dies. Since this individual is unable to identify the fledgling that became mixed up with such sin-offerings, it too must be left to die.

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וְאִילּוּ קֵן מְפוֹרֶשֶׁת – אֵין לוֹ תַּקָּנָה.

But if a fledgling flew away or died from **a specified nest,** after the owner had designated which bird would be used for which offering, and it is not known which bird escaped, **it has no** means of **remedy.** This is because he does not know whether the remaining fledgling is for a burnt-offering or a sin-offering.

וְאִילּוּ שְׁאָר קִינִּין בְּעָלְמָא – מִיתַּקָּנָן. וַאֲמַאי? לֵימָא כָּל חֲדָא וַחֲדָא דִּלְמָא הַאי נִיהוּ!

Reish Lakish infers: **But generally, other nests** belonging to other people are **fit;** there is no concern with regard to them. Reish Lakish states his objection to the opinion of Rabbi Yoḥanan: According to your opinion that there is a concern that each woman might be a relative of the woman the agent betrothed, **then why** should the *halakha* with regard to nests be so? **Let us** likewise **say** with regard to **each and every** fledgling bird in the world that **perhaps this is the one** that was consecrated and flew away. How can anyone ever use a bird for their own offering, as it may be the bird that flew away from someone else's nest?

אֲמַר לֵיהּ: קָאָמִינָא אֵנָא אִשָּׁה דְּלָא נַיְידָא, וְאָמְרַתְּ לִי אַתְּ אִיסּוּרָא דְּנַיְיד?

Rabbi Yoḥanan **said to** Reish Lakish: **I state** my opinion that there is a concern for other women only with regard to **a woman, who does not move** but is fixed in her home. An unidentified item is presumed to have the same legal status as the majority of items like it, and there is no concern that it may be forbidden, even if there are some forbidden items like it. However, if this unidentified item was fixed in its place, there is an equal presumption that it may belong to the class of similar permitted items or to the class of similar forbidden items. Consequently, all women in the world are forbidden to him, as there is an equal presumption that she may or may not be a relative of the woman that the agent betrothed to him. **And you speak to me** of **a prohibition that moves** and is not fixed. Since the fledgling bird is not fixed in one spot, the majority is followed and the minority is ignored.

וְכִי תֵּימָא: הָכָא נַמִּי נָיְיד, אֵימוּר בְּשׁוּקָא אַשְׁכַּח וְקִדֵּישׁ – הָתָם הָדְרָא לְנִיחוּתָא, גַּבֵּי קֵן מִי הָדְרָא?

And if you would say: Here too, she **moves,** since it is possible to **say that** the agent **found** the woman **in the marketplace**[N] **and betrothed her** there to the one who appointed the agent, so the prohibited woman was not in a fixed location? Nevertheless, **there** she eventually **returns to her** place of **rest,** i.e., her home, and is therefore considered to be fixed. Conversely, **with regard to a nest, does** the fledgling **return** to a fixed place? Since it does not, the assumption is that any bird has the status of the majority of birds in the world, which have not been consecrated as offerings.

אֲמַר רָבָא: וּמוֹדֶה רַבִּי יוֹחָנָן בְּאִשָּׁה שֶׁאֵין לָהּ לֹא בַּת, וְלֹא בַּת בַּת, וְלֹא בַּת בֵּן, וְלֹא אֵם, וְלֹא אֵם אֵם, וְלֹא אֲחוֹת, וְאַף עַל פִּי שֶׁהָיְתָה לָהּ אֲחוֹת וְנִתְגָּרְשָׁה לְאַחַר מִכָּאן – דְּהַהִיא שְׁרָיָא.

Rava said: And Rabbi Yoḥanan concedes that with regard to **a woman who does not have**[H] **a daughter, nor a daughter of a daughter, nor a daughter of a son, nor a mother, nor a mother of a mother, nor a sister** who was single when he appointed the agent, that the one who appointed the agent may betroth her. There is no concern that the agent might have betrothed a relative that would now render such a woman forbidden. **And even though she had,** when he appointed the agent, a married **sister,** or daughter, or other female relative, **and she was later divorced,** Rabbi Yoḥanan concedes **that this** woman whom he wishes to now marry is **permitted.**

מַאי טַעֲמָא – דִּבְהַהִיא שַׁעְתָּא דְּקָא אָמַר לֵיהּ, הֲוָה נָסִיבָן לְגַבְרֵי. כִּי מְשַׁוֵּי שָׁלִיחַ – בְּמִילְּתָא דְּקַיְימָא קַמֵּיהּ, בְּמִילְּתָא דְּלָא קַיְימָא קַמֵּיהּ – לָא מְשַׁוֵּי שָׁלִיחַ.

What is the reason for this? It is **that at that moment, when he told** the agent to go betroth a woman on his behalf, these women **were married to men.** There is a principle that **when one appoints an agent,** he does so only **with regard to a matter present before him.** In other words, he instructs his agent to betroth a woman who is available at that time, but **he does not appoint an agent with regard to a matter that is not present before him.** Consequently, even if the agent betrothed one of the relatives of the woman after they were divorced, the betrothal would not take effect because he was not authorized to betroth them, and therefore the one who appointed the agent is permitted to the woman.

NOTES

Say that the agent found her in the marketplace, etc. – אֵימוּר בְּשׁוּקָא אַשְׁכַּח וכו': Some commentaries explain that the one who appointed the agent should choose a woman for himself from the marketplace, since she would be considered mobile and therefore presumed to be part of the majority, and her status would be established accordingly (Commentary on *Nazir*). The Rosh states that the Gemara is suggesting the agent might have found and betrothed a woman in the marketplace, in which case the prohibition was never fixed. The question of whether the status of a prohibition being fixed is determined by the moment that the prohibition begins, or by the moment that the prohibition becomes known, is discussed at length by the later commentaries.

HALAKHA

With regard to a woman who does not have, etc. – בְּאִשָּׁה שֶׁאֵין לָהּ וכו': If one says to his agent: Go and betroth a woman for me, and the latter died before telling the one who appointed him whether he carried out his task or whom he betrothed, the presumption is that the agent performed his agency, and the one who appointed the agent is forbidden to every woman in the world who has family members, e.g., a daughter, mother, or sister, who would render her prohibited as a forbidden relative. He is permitted to marry any woman who did not have an unmarried female relative at the time when he appointed the agent. The Rema adds that the same applies if all her relatives say they never were betrothed, and then they proceed to marry others (Rambam *Sefer Nashim*, *Hilkhot Ishut* 9:6; *Shulḥan Arukh*, *Even HaEzer* 35:11).

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תְּנַן: ״הֲרֵינִי נָזִיר וְעָלַי לְגַלַּח נָזִיר״ וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי, וְעָלַי לְגַלַּח נָזִיר״. אִם הָיוּ פִּקְחִין – מְגַלְּחִין זֶה אֶת זֶה, וְאִם לָאו – מְגַלְּחִין נְזִירִים אֲחֵרִים. בְּשְׁלָמָא בַּתְּרָאָה אִיכָּא קַדְמָאָה קָמִיהּ, אֶלָּא קַדְמָאָה – מִי אִיכָּא בַּתְּרָאָה קָמֵיהּ?

The Gemara now proceeds to raise a difficulty against this last argument from the mishna: **We learned** in the mishna that if one says: **I am hereby a nazirite and it is** incumbent **upon me to shave a nazirite, and another heard** him **and said: And I** am hereby a nazirite, **and it is** incumbent **upon me to shave a nazirite, if they are perspicacious they shave each other; and if not, they shave other nazirites.** According to the reasoning that one takes into account only that which is possible at the time, the following difficulty arises: **Granted, the last** person **has the first one before him** and may have had in mind to volunteer to pay for the other's offerings; **but** with regard to **the first** person, **is the last one before him?** When the first one stated his vow, the other one was not yet a nazirite, and he could not have been taking him into account when he vowed to pay for the offerings of another. How can paying for the offerings of the second nazirite be considered a fulfillment of his vow?

Perek **II**
Daf **12** Amud **b**

אֶלָּא הָכִי קָאָמַר: אִי מַשְׁכַּחְנָא דְּהָווּ נָזִיר – אֲגַלְּחֵיהּ. הָכָא נַמִּי הָכִי קָאָמַר לֵיהּ: אִי מַשְׁכַּחַתְּ דְּמִיגְּרְשָׁה – קַדֵּישׁ לִי.

Rather, it can be explained that **this is what he is saying: If I find** someone **who becomes a nazirite, I will shave him. Here too,** in the case of betrothal, **this is what** the one who appointed the agent **is saying to** the agent: Even **if** the woman **you find** is married at this moment but when you come to her you discover that she **has** been **divorced** in the meantime, **betroth** her **to me.** If so, he would be prohibited from marrying her sister, contrary to the ruling of Rava.

אָמְרִי: לָא מְשַׁוֵּי אִינִישׁ שָׁלִיחַ אֶלָּא בְּמִילְּתָא דְּמָצֵי עָבֵיד הָשְׁתָּא, בְּמִילְּתָא דְּלָא מָצֵי עָבֵיד לֵיהּ הָשְׁתָּא – לָא מְשַׁוֵּי.

The Gemara rejects this comparison: The Sages **say** that there is a distinction between the two cases: **A person appoints an agent only for a matter that he** himself **can perform now,** at the time of the appointment, **but for a matter that he cannot perform**[N] **now, he does not appoint** an agent. Consequently, the agent cannot betroth a woman who was married at the time of his appointment. The one who appointed the agent may therefore marry the sister of the recently divorced woman, as stated by Rava.

וְלָא? תָּא שְׁמַע: הָאוֹמֵר לָאַפּוֹטְרוֹפּוֹס שֶׁלּוֹ ״כָּל נְדָרִים שֶׁתִּדּוֹר אִשְׁתִּי מִכָּאן עַד שֶׁאָבוֹא מִמָּקוֹם פְּלוֹנִי הֲפֵר לָהּ״ וְהֵפֵר לָהּ, יָכוֹל יְהוּ מוּפָרִין – תַּלְמוּד לוֹמַר ״אִישָׁהּ יְקִימֶנּוּ וְאִישָׁהּ יְפֵרֶנּוּ״ דִּבְרֵי רַבִּי יִאשִׁיָּה, וְרַבִּי יוֹנָתָן אוֹמֵר: מָצִינוּ בְּכָל מָקוֹם שֶׁשְּׁלוּחוֹ שֶׁל אָדָם כְּמוֹתוֹ.

The Gemara asks another question on the ruling of Rava: **And** can one **not** appoint an agent to betroth a woman in this manner? **Come** and **hear** a *baraita* that indicates the contrary: **One who says to the steward** [***apotropos***]L **of his**H affairs: **All vows that my wife will vow from now until I come from such and such a place, nullify for her,**B **and** the steward **nullified** them **for her,** one **might** have thought **they are nullified.** Therefore, **the verse states: "Her husband sustains** the vow **and her husband nullifies** the vow" (Numbers 30:14); this is **the statement of Rabbi Yoshiya.** The repetition of "husband" teaches that it is the husband alone who may nullify his wife's vows. **And Rabbi Yonatan says: We have found in all places that** the legal status of **a person's agent is like** that of **himself.**H Therefore, a steward, who serves as the husband's agent, may nullify the wife's vows.

BACKGROUND

Nullification of vows – הַפָּרַת נְדָרִים: The *halakhot* of vows and their nullification are stated in the Torah (Numbers, chapter 30) and an entire tractate, *Nedarim*, is devoted to explaining these *halakhot*. In essence, when either a young woman still under her father's auspices or a married woman takes a vow, her father or her husband, respectively, can nullify the vow on the day that he hears it if he does not approve of it. The Sages explained based on the verses that this is permitted only in certain situations. Only vows taken with regard to matters between the woman and her husband or between the young woman and her father can be nullified. Vows that do not affect the woman's relationship with her husband or father cannot be nullified.

NOTES

For a matter that he cannot perform – בְּמִילְּתָא דְּלָא מָצֵי עָבֵיד: The reason is that an agent cannot have more power than the one who appointed him, and since the action cannot be performed now, one cannot appoint an agent to perform it later. At this stage the action cannot be done, because it is considered to be an entity that has not yet come into the world (Rosh). As for the reason why a nazirite may shave someone who was not yet a nazirite at the time of his vow, Rabbeinu Azriel explains that since there were nazirites in the world at the time of his vow, it is not considered to be an entity that has not entered the world. The *Tosefot HaRosh* explains that there is a fundamental difference between an obligation that one accepts upon himself, which can refer to future developments as well, and the appointment of an agent, which applies only to acts that are possible at the time of the appointment.

LANGUAGE

Steward [*apotropos*] – אַפּוֹטְרוֹפּוֹס: From the Greek ἐπίτροπος, *epitropos*, meaning appointee.

HALAKHA

One who says to the steward of his, etc. – הָאוֹמֵר לָאַפּוֹטְרוֹפּוֹס שֶׁלּוֹ וכו׳: If one appoints an agent to nullify or ratify his wife's vows, the appointment is meaningless, since it is a biblical decree that only the husband can nullify or ratify his wife's vows (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:9; *Shulḥan Arukh*, *Yoreh De'a* 234:30).

The legal status of a person's agent is like that of himself – שְׁלוּחוֹ שֶׁל אָדָם כְּמוֹתוֹ: If one instructs his agent to betroth a woman on his behalf, or to perform a business transaction for him, the agent acts in his stead, and it is considered as though the one who appointed the agent performed the deed himself, since a person's agent is like himself (Rambam *Sefer Nashim*, *Hilkhot Ishut* 3:15; *Sefer Kinyan*, *Hilkhot Sheluḥin VeShutafin* 1:1; and *Sefer Hafla'a*, *Hilkhot Shevuot* 7:6; *Shulḥan Arukh*, *Ḥoshen Mishpat* 182:1 and *Even HaEzer* 35:1).

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טַעֲמָא דְּאָמַר רַחֲמָנָא "אִישָׁהּ יְקִימֶנּוּ וְאִישָׁהּ יְפִירֶנּוּ". הָא לָאו הָכִי – אַפּוֹטְרוֹפּוֹס מֵיפַר. וְאִילּוּ גַּבֵּי דִּידֵיהּ תַּנְיָא: הָאוֹמֵר לְאִשְׁתּוֹ "כָּל נְדָרִים שֶׁתִּדּוֹרִי מִכָּאן וְעַד שֶׁאָבֹא מִמָּקוֹם פְּלוֹנִי יְהוּ קַיָּימִין" – לֹא אָמַר כְּלוּם. "הֵרֵי הֵן מוּפָרִין". רַבִּי אֱלִיעֶזֶר אוֹמֵר: מוּפָר, וַחֲכָמִים אוֹמְרִים: אֵינוֹ מוּפָר.

Even according to Rabbi Yoshiya, who maintains that the steward cannot nullify her vows, **the reason is that the Merciful One states** in the Torah: "**Her husband sustains** the vow **and her husband nullifies** the vow," **but if** it were **not so,** the **steward could nullify** even the future vows of the wife. **However, with regard to** the husband **himself** it **is taught** in a mishna (*Nedarim* 75a): **One who says to his wife: All vows that you will vow from now until I come from such and such a place shall be ratified,**[H] **he has not said anything.** However, if a husband says: All vows that you will vow from now until I come from such and such a place, **they are hereby nullified,**[H] **Rabbi Eliezer says: It is nullified, and the Rabbis say: It is not nullified.**

קָא סָלְקָא דַּעְתִּין: כִּי אָמַר רַבִּי יֹאשִׁיָּה – אַלִּיבָּא דְּרַבָּנַן דְּאָמְרִי: לָא מָצֵי מֵיפֵר. וְאִי לָאו דְּאָמַר רַחֲמָנָא "אִישָׁהּ יְקִימֶנּוּ וְאִישָׁהּ יְפִירֶנּוּ" – אַפּוֹטְרוֹפּוֹס הֲוָה מֵיפַר!

The Gemara finishes the question: **It enters our mind** to say that **when Rabbi Yoshiya said** that the steward cannot nullify the vows, he spoke **in accordance with** the opinion of **the Rabbis, who say** that the husband **is not able to nullify** her vows ahead of time, **and** yet, even according to their approach, **if the Merciful One had not stated** in the Torah: "**Her husband sustains** the vow **and her husband nullifies** the vow" the **steward would** be able to **nullify** such vows. This proves that one can appoint an agent for something he himself cannot do at the time, which contradicts the statement of Rava.

וְדִלְמָא אַלִּיבָּא דְּרַבִּי אֱלִיעֶזֶר, דְּאָמַר: מָצֵי מֵיפֵר. אִי הָכִי לָמָּה לִי לְשַׁוּוּיֵי שָׁלִיחַ? לֵיפֵר לָהּ אִיהוּ! קָסָבַר: דִּלְמָא מִשְׁתַּלֵּינָא, אוֹ רָתַחְנָא, אוֹ מִיטַּרְדְנָא.

The Gemara rejects this: **And perhaps** Rabbi Yoshiya spoke **in accordance with** the opinion of **Rabbi Eliezer, who says** the husband **can nullify** the vows ahead of time, and it is for this reason that he can appoint the steward to do the same. The Gemara rejects this: **If so, why do I** need **to make him into an agent; let him nullify** the future vows **for her**[N] before he sets out on his journey. The Gemara answers: **He thinks, perhaps I will forget, or become angry, or be occupied** with other matters when I am about to set out on my journey. This is why he appoints an agent to nullify the vows on his behalf, and no proof can be derived from this *baraita*.

מתני' "הֵרֵי עָלַי לְגַלַּח חֲצִי נָזִיר". וְשָׁמַע חֲבֵירוֹ וְאָמַר "וַאֲנִי עָלַי לְגַלַּח חֲצִי נָזִיר" – זֶה מְגַלֵּחַ נָזִיר שָׁלֵם, וְזֶה מְגַלֵּחַ נָזִיר שָׁלֵם, דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים: זֶה מְגַלֵּחַ חֲצִי נָזִיר, וְזֶה מְגַלֵּחַ חֲצִי נָזִיר.

MISHNA If one says: **It is** incumbent **upon me to shave half a nazirite,**[H] i.e., he is vowing to pay half the costs of a nazirite's offerings, **and another heard and said:**[N] **And I, it is** incumbent **upon me to shave half a nazirite, this** one **shaves a whole nazirite and that** one **shaves a whole nazirite,** i.e., each pays the full cost of a nazirite's offerings; this is **the statement of Rabbi Meir,** since there is no such entity as half a nazirite. **And the Rabbis say: This** one **shaves half a nazirite and that** one **shaves half a nazirite;** they may join together to pay for the offerings of one nazirite.

HALAKHA

All vows that you will vow…shall be ratified – כָּל נְדָרִים שֶׁתִּדּוֹרִי...יְהוּ קַיָּימִין: If one says to his wife or daughter that all the vows that she vows from now until he returns from his travels shall be upheld, his statement is of no consequence (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:9).

They are hereby nullified, etc. – הֵרֵי הֵן מוּפָרִין וכו': If one says to his wife or daughter that all vows that she vows from now until he returns shall be nullified, his words are meaningless (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:9; *Shulḥan Arukh Yoreh De'a* 234:28).

It is incumbent upon me to shave half a nazirite, etc. – הֲרֵי עָלַי לְגַלַּח חֲצִי נָזִיר וכו': If one says: It is incumbent upon me to shave half a nazirite, and another heard him and vowed to shave half a nazirite as well, they are each obligated to pay for half the offerings of a nazirite, in accordance with the opinion of the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:20).

NOTES

Let him nullify for her – לֵיפֵר לָהּ אִיהוּ: The Commentary on *Nazir* explains this as follows: Let him nullify her vows for her at this point in time. *Tosafot* maintain that the Gemara means he should nullify them upon his departure. He does not wish to nullify them now in case she utters vows before he leaves that he will want to ratify. He also does not wish to nullify now any vows that she will utter from the time that he departs, as his wife may take offense at his nullifying her vows, which could lead to quarrels between the couple before the husband's departure.

And another heard and said – וְשָׁמַע חֲבֵירוֹ וְאָמַר: The commentaries point out that this clause is superfluous since the dispute between Rabbi Meir and the Rabbis applies even to a single person who vows in this manner. This phrase was added only due to its similarity to the previous mishna (Rabbeinu Todros). The Rosh states that this clause does teach a novelty with regard to the opinion of Rabbi Meir; it is seen from this addition that even if there are two people, in which case they can together bring a complete set of nazirite offerings, Rabbi Meir still holds that each of them is obligated to pay for all the offerings of a nazirite.

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גמ׳ אֲמַר רָבָא: הַכֹּל מוֹדִים כָּל הֵיכָא דַּאֲמַר ״חֲצִי קָרְבְּנוֹת נָזִיר עָלַי״ – חֲצִי קָרְבָּן מָיְיתֵי: ״קָרְבְּנוֹת חֲצִי נָזִיר עָלַי״ – כּוּלֵּיהּ קָרְבָּן בָּעֵי אִיתּוּיֵי; מַאי טַעֲמָא – דְּהָא לָא אַשְׁכַּחַן נְזִירוּת לְפַלְגָּא.

GEMARA

With regard to this dispute, **Rava said: All concede** that **whenever one said: Half of the offerings of a nazirite are** incumbent **upon me,**[H] **he brings half of the offerings,** since he vowed to pay only that amount. Also, everyone agrees that if he said: **The offerings of half a nazirite are** incumbent **upon me, he needs to bring all of the offerings** of a nazirite. **What is the reason** that he must bring all of the offerings of a nazirite? It is **that we have not found** such an entity as **half a naziriteship.** If one vowed to be half a nazirite, he is a full nazirite.

וְכִי פְּלִיגִי – בְּלִישָׁנָא דְּמַתְנִיתִין פְּלִיגִי, רַבִּי מֵאִיר סָבַר: כֵּיוָן דַּאֲמַר ״הֲרֵי עָלַי״ – אִיחַיֵּיב אַכּוּלֵּיהּ קָרְבַּן נְזִירוּת, וְכִי קָאָמַר חֲצִי נְזִירוּת – לָאו כָּל כְּמִינֵיהּ. וְרַבָּנַן סָבְרִי: נֶדֶר וּפָתַח עִמּוֹ הוּא.

And when they disagree, it is only **in** a case of one who used **the** precise **wording of the mishna. Rabbi Meir holds** that **once he said: It is** incumbent **upon me, he is obligated in all of the naziriteship offerings, and when he** later **says: Half a naziriteship,** it **is not in his power** to uproot his first obligation. **And the Rabbis hold** that **it is a vow with** its inherent **opening.**[N] By saying he had only half the offerings of a nazirite in mind from the outset, he has nullified his own vow.

מתני׳ ״הֲרֵינִי נָזִיר לְכְשֶׁיִּהְיֶה לִי בֵּן״ וְנוֹלַד לוֹ בֵּן – הֲרֵי זֶה נָזִיר. נוֹלַד לוֹ בַּת, טוּמְטוּם, וְאַנְדְּרוֹגִינוֹס – אֵינוֹ נָזִיר. אִם אָמַר ״כְּשֶׁיִּהְיֶה לִי וָלָד״ – אֲפִילּוּ נוֹלַד לוֹ בַּת, טוּמְטוּם, וְאַנְדְּרוֹגִינוֹס – הֲרֵי זֶה נָזִיר.

MISHNA

If one said: **I am hereby a nazirite when I will have a son,**[H] **and a son was born to him, he is a nazirite.** If **a daughter, a *tumtum,*[B] or a hermaphrodite** [***androginos***][L] **is born to him, he is not a nazirite,** since a son was not born to him. However, **if he says:** I am hereby a nazirite **when I will have a child,** then **even if a daughter, a *tumtum,* or a hermaphrodite is born to him, he is a nazirite.**

BACKGROUND

Tumtum – **טוּמְטוּם:** A *tumtum* has no visible protruding sex organ. For this reason he cannot be identified as a man, and he appears to be a woman. Yet since he bears no secondary female characteristics, he is not identified as a woman either.

LANGUAGE

Hermaphrodite [***androginos***] – **אַנְדְּרוֹגִינוֹס:** From the Greek ἀνδρόγυνος, *androgunos*, literally meaning man-woman, i.e., one who has both male and female reproductive organs.

HALAKHA

Half of the offerings of a nazirite are incumbent upon me – חֲצִי קָרְבְּנוֹת נָזִיר עָלַי: If one says: It is incumbent upon me to pay for half the offerings of a nazirite, or: It is incumbent upon me to shave half a nazirite, he must cover the expenses for half the offerings of a nazirite of his choice, and that nazirite pays the rest. However, if he said: It is incumbent upon me to pay for the offerings of half a nazirite, he must pay for all the offerings of a nazirite, since there is no such thing as half a naziriteship. The Ra'avad suggests a different distinction between the expressions. He claims that if one says: It is incumbent upon me to pay for the offerings of half a nazirite, he brings only half, but if he states: The offerings of half a nazirite are incumbent upon me, he must pay for all the nazirite offerings (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:18).

I am hereby a nazirite when I will have a son – הֲרֵינִי נָזִיר לְכְשֶׁיִּהְיֶה לִי בֵּן: If one says: I am hereby a nazirite when will I have a son, and a son is born to him, he is a nazirite. If he had a daughter, a *tumtum*, or a hermaphrodite, he is not a nazirite. However, if he vowed to be a nazirite when he will have a child, he is a nazirite whether he has a son, a daughter, a *tumtum*, or a hermaphrodite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:17).

NOTES

A vow with its inherent opening – נֶדֶר וּפָתַח עִמּוֹ: Some commentaries (*Tosafot*; Rabbeinu Peretz) explain that this means that the last part of his statement explains the first part, and he is therefore liable for only half the offerings of a nazirite. The Commentary on *Nazir*, as well as Rabbi Avraham min HaHar, explains that even the Rabbis agree that if one person alone says: It is incumbent upon me to shave half a nazirite, he is obligated to pay for all of the offerings. The Rabbis disagree with Rabbi Meir only with regard to two people who stated the same vow. The reason is that the circumstances show that each of them had only half an offering in mind, so they can pay for a full set of offerings together. This circumstantial evidence is what the Gemara means by: Its inherent opening. This interpretation also explains why the mishna cited a case involving two people (Rabbeinu Peretz). See *Nusḥat Rivan* in the Vilna edition, which states that even if there were no other person who vowed with him, he can approach any nazirite and offer to pay for half of his offerings.

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HALAKHA

If his wife miscarried he is not a nazirite – הִפִּילָה אִשְׁתּוֹ אֵינוֹ נָזִיר: One who vowed to be a nazirite when a child is born to him is not a nazirite if his wife miscarried (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:17).

Gave birth again – חָזְרָה וְיָלְדָה: If one vowed to be a nazirite when he will have a child, and his wife miscarried, and she later became pregnant and gave birth again, he is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:13).

הִפִּילָה אִשְׁתּוֹ – אֵינוֹ נָזִיר. רַבִּי שִׁמְעוֹן אוֹמֵר: יֹאמַר ״אִם הָיָה בֵּן קַיָּמָא – הֲרֵי אֲנִי נָזִיר חוֹבָה, וְאִם לָאו – הֲרֵי אֲנִי נָזִיר נְדָבָה״.

However, if **his wife miscarried**[N] **he is not a nazirite,**[H] since his wife did not give birth to a live child. **Rabbi Shimon says:**[N] Since it is possible that the fetus was viable, in which case his vow of naziriteship takes effect, **he should say** the following: **If** this fetus **was viable** in terms of its development but died due to other causes, **I am hereby an obligatory nazirite** in fulfillment of my vow; **and if** it was **not** viable, **I am hereby a voluntary nazirite.** He then proceeds to observe naziriteship.

חָזְרָה וְיָלְדָה – הֲרֵי זֶה נָזִיר. רַבִּי שִׁמְעוֹן אוֹמֵר: יֹאמַר ״אִם הָרִאשׁוֹן בֶּן קַיָּמָא – הָרִאשׁוֹן חוֹבָה, וְזוֹ נְדָבָה. וְאִם לָאו – הָרִאשׁוֹן נְדָבָה, וְזוֹ חוֹבָה״.

If, subsequent to this, his wife **gave birth again,**[H] **he is a nazirite,** since the unattributed opinion in the mishna holds that the condition of his vow has now been fulfilled. **Rabbi Shimon says,** following his earlier ruling: He must now accept upon himself an additional naziriteship and **he should say: If the first** fetus was **viable** then my naziriteship for **the first** child was **obligatory, and this** naziriteship is **voluntary; and if** the first child was **not** viable, then the naziriteship for **the first** one was **voluntary and this** naziriteship is **obligatory.**

גמ׳ הַאי מַאי לְמֵימְרָא? מְשׁוּם סֵיפָא: בַּת, טוּמְטוּם, וַאֲנַדְרוֹגִינוֹס – אֵינוֹ נָזִיר. פְּשִׁיטָא! מַהוּ דְּתֵימָא: ״לִבְשֶׁאֶבָּנֶה״ הוּא דְּקָאָמַר, קָא מַשְׁמַע לָן דְּלָא.

GEMARA With regard to the statement of the mishna that one who vowed to be a nazirite when a son is born to him is a nazirite when his son is born, the Gemara asks: **What** is the purpose **of stating this** ruling? Of course he is a nazirite. The Gemara answers: This *halakha* is stated **due to the latter clause** of that mishna, which states that if **a daughter, a *tumtum*, or a hermaphrodite** are born to him, **he is not a nazirite.** The Gemara questions this, too: **Isn't** that **obvious,** since he specified a son? The Gemara answers: It is necessary **lest you say** he did not literally mean a son, but rather **he meant to say: When I will be built up**[N] by means of any child, including the types listed. The mishna therefore **teaches us that** this is **not** the case.

״וְאִם אָמַר כְּשֶׁיִּהְיֶה לִי וָלָד״ כו׳. פְּשִׁיטָא! מַהוּ דְּתֵימָא: וָלָד דְּמִיחַשַּׁב בֵּינֵי אֱינָשֵׁי בָּעֵינַן, קָא מַשְׁמַע לָן.

The mishna also taught: **And if he said: When I have a child,** then even if he has a daughter, a *tumtum*, or a hermaphrodite, his vow takes effect. The Gemara asks: **Isn't** it **obvious** that this is the case? The Gemara answers: It is necessary to state this **lest you say** that **we require a child** of the kind **that is considered** significant[N] **by people,** and he meant to exclude these other types of children when he vowed. The mishna therefore **teaches us** that this is not so.

NOTES

If his wife miscarried – הִפִּילָה אִשְׁתּוֹ: Even though the word miscarried usually refers to the pregnancy terminating before reaching its full term, it is difficult to accept that this is the meaning here, as the father certainly did not have a miscarried child in mind when he vowed to be a nazirite on the condition that he would have a child. Additionally, Rabbi Shimon's uncertainty that the child might have been viable appears irrelevant if it was lost before the pregnancy reached its full term. Rather, it is more reasonable to explain that the woman gave birth to a child only to see the child die before it was thirty days old. In that case, it is unclear whether the baby died because it was not properly developed or due to external factors (Rabbeinu Azriel; Rabbeinu Peretz). The *Tosefta* (2:4) indicates likewise, as it states: If a son was born to him, and it is uncertain if it is viable. Other commentaries maintain that the case is that of a child that was stillborn and that was clearly fully developed, but it is not known whether it died in its mother's womb, in which case it is certainly not considered a child, or whether it died during birth (see Responsa of the Maharshdam, *Even HaEzer* 208; *Keren Ora*, following the opinion of *Tosafot*).

Rabbi Shimon says, etc. – רַבִּי שִׁמְעוֹן אוֹמֵר וכו׳: Rabbi Shimon maintains that the *halakha* is ruled stringently in uncertain cases of naziriteship (Commentary on *Nazir*). The *Tosefta* (2:4) states that according to Rabbi Shimon a mistaken vow of naziriteship takes effect. According to the Rosh and Rabbeinu Peretz, Rabbi Shimon holds that one who vows intends to be held accountable in a situation of doubt.

When I will be built up – לִבְשֶׁאֶבָּנֶה: He may have used the word son [*ben*] in the sense of building [*binyan*], so that he means: When I build up my family by means of a child. If that was his intention, the naziriteship would take effect, as even one who has only a daughter can be considered built (*Tosafot*).

A child that is considered significant – וָלָד דְּמִיחַשַּׁב: This excludes a *tumtum* or a hermaphrodite. Since their gender and legal status are not clearly defined, they are not considered proper children (Rabbeinu Peretz). The Commentary on *Nazir* and *Tosafot* state that it may have been thought that even a daughter may not be considered a significant child in relation to a son, and all the more so a *tumtum* or a hermaphrodite.

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״הִפְלָה אִשְׁתּוֹ אֵינוֹ נָזִיר״. מַאן קָתָנֵי לָהּ? רַבִּי יְהוּדָה דְּכְרִי הוּא.

§ The mishna taught that if **his wife miscarried he is not a nazirite,** even though it may have been a viable child. The Gemara clarifies: According to **whose** opinion **is this taught?** The Gemara answers: **It is** the opinion of **Rabbi Yehuda with regard to a heap**[N] of wheat. Rabbi Yehuda holds that if one vows to be a nazirite if a heap contains a certain amount of wheat and it is unclear whether or not his condition was fulfilled, the *halakha* is ruled leniently, and he is not a nazirite.

רַבִּי שִׁמְעוֹן אוֹמֵר: יֹאמַר ״אִם הָיָה בֵּן קַיָּמָא הֲרֵינִי נָזִיר חוֹבָה וְאִם לָאו הֲרֵינִי נָזִיר נְדָבָה״. בָּעָא מִינֵּיהּ רַבִּי אַבָּא מֵרַב הוּנָא: ״הֲרֵינִי נָזִיר לִכְשֶׁיִּהְיֶה לִי בֵּן״ וְהִפְלָה אִשְׁתּוֹ, וְהִפְרִישׁ קָרְבָּן, וְחָזְרָה וְיָלְדָה, מַהוּ?

The mishna further taught that **Rabbi Shimon says** that the individual **should say: If** this fetus **was viable** in terms of its development but died due to other causes, **I am hereby an obligatory nazirite** in fulfillment of my vow; **and if** it was **not** viable, **I am hereby a voluntary nazirite.** The Gemara relates that **Rabbi Abba inquired of Rav Huna:** If one said: **I am hereby a nazirite when I will have a son, and his wife miscarried, and he separated an offering**[HN] for his naziriteship but did not sacrifice it, **and** his wife **gave birth again** to a son, **what is** the *halakha* with regard to the offering he separated?

אַלִּיבָּא דְּמַאן? אִי אַלִּיבָּא דְּרַבִּי שִׁמְעוֹן – מַאי תִּיבָּעֵי לֵיהּ? הָא אֲמַר רַבִּי שִׁמְעוֹן: סְפֵק נְזִירוּת לְהַחְמִיר. וְאֶלָּא אַלִּיבָּא דְּרַבִּי יְהוּדָה, דְּאָמַר סְפֵק נְזִירוּת לְהָקֵל, מַאי? קָדוֹשׁ אוֹ לָא קָדוֹשׁ?

The Gemara asks: **In accordance with whose** opinion did Rabbi Abba pose his question? **If** he asked it **in accordance with** the opinion **of Rabbi Shimon, what dilemma is he raising? Didn't Rabbi Shimon say:** In a case of **uncertainty** with regard to **naziriteship,** the ruling is **to be stringent?** Here too, since the fetus might have been viable, he was required to separate the offerings after she miscarried, and he may not use those offerings for the naziriteship brought about by the later birth. **Rather,** one should say that the question was **in accordance with** the opinion **of Rabbi Yehuda, who said** that in a case of **uncertainty** with regard to **naziriteship,** the ruling is **to be lenient.** The question is as follows: **What** is the *halakha* in such a situation? Are the offerings already considered **consecrated** and need not be consecrated again, **or** are they **not consecrated** and therefore he must consecrate them a second time?

HALAKHA

And his wife miscarried and he separated an offering – וְהִפְלָה אִשְׁתּוֹ וְהִפְרִישׁ קָרְבָּן: If one says: I am hereby a nazirite when I will have a son, and he separated his nazirite offerings, and then his wife miscarried, became pregnant again, and gave birth, it is uncertain whether all of the offerings he had separated are consecrated. One may not shear them or use them for work, but he is not liable to receive lashes if he does. This case remains unresolved by the Gemara and the ruling is therefore stringent (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:13).

NOTES

Rabbi Yehuda with regard to a heap – רַבִּי יְהוּדָה דְּכְרִי: Rabbi Yehuda rules that if one said he will be a nazirite if a certain heap contains one hundred *kor* of wheat and it was stolen or lost before it could be examined, preventing him from checking whether the condition was fulfilled, he is not a nazirite. The reason is either because the *halakha* is ruled leniently in questions of naziriteship (Commentary on *Nazir*), or because he holds that people do not state conditions that may result in them being left in a state of uncertainty (Rabbeinu Peretz).

And his wife miscarried and he separated an offering – וְהִפְלָה אִשְׁתּוֹ וְהִפְרִישׁ קָרְבָּן: As explained below, this question is relevant only according to Rabbi Yehuda, who holds that one is not obligated to observe a term of naziriteship at all in the case of a stillborn. The commentaries disagree with regard to why the animals he separated should be considered consecrated at all if he is not obligated to observe a term of naziriteship. Some commentaries claim that the case is one of a woman who miscarried and then gave birth to a child from the same pregnancy; e.g., if she gave birth to twins on the same day (Rosh; Rabbeinu Peretz). In such a situation, it may be assumed that the first child was also viable, as it had reached its full term, but it died as a result of external factors. Consequently, even Rabbi Yehuda would agree that the uncertainty in this case is stronger than in that of a standard pregnancy.

The Rid, however, prefers a variant version of the text, which is also that of Rambam: He separated an offering and his wife miscarried, and she gave birth again. In this reading, he separated the offerings before his wife miscarried. According to the Rid, the question is whether he is required to consecrate the offering a second time since it is apparent that the first sanctity did not take effect, or whether the first consecration stands. The Meiri claims that even according to the approach of the Rid, the uncertainty applies only to another child from the same pregnancy. If the case is not specifically referring to two births from the same pregnancy, as explained by the Commentary on *Nazir*, the question might be whether the original consecration is viewed as erroneous and is entirely null, or whether the fact that it later turns out to have a purpose, as another child was born to him, means that it was not an erroneous consecration (*Mishne LaMelekh*).

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PERSONALITIES

Ben Reḥumi – בֶּן רְחוּמִי: Some suggest that ben Reḥumi is not a name but the nickname of a Sage who asked a question concerning the concept of *raḥimana lei*, I am as a good friend. There are other such nicknames in various places in the Talmud. However, aside from the fact that the name Reḥumi itself is the proper name of several Sages, the name Raḥum is also found in the Bible. One Sage named Reḥumi was a disciple of Abaye, and it is possible that ben Reḥumi was the son of Rav Reḥumi, and he is called: Son of Reḥumi [*ben Reḥumi*] since he was very young when he asked his question.

מַאי נָפְקָא מִינָּהּ? לְגִיזָּתוֹ וְלַעֲבוֹד בּוֹ. תֵּיקוּ.

The Gemara asks: **What difference is there?** In any case, he is certainly obligated to observe naziriteship now, and he must separate the offerings. The Gemara answers: The question is referring **to** the issue of **its shearing and its labor.** If they are considered consecrated from the initial consecration, it is prohibited to shear their wool and use them for labor, like any other consecrated animal. But if they are not yet consecrated, it is permitted to use them. No answer was found for this question, and the Gemara concludes that the dilemma **shall stand** unresolved.

בָּעָא מִינֵּיהּ בֶּן רְחוּמִי מֵאַבַּיֵי: ״הֲרֵינִי נָזִיר לְכְשֶׁיְּהֵא לִי בֵּן״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וְעָלַי״. מַהוּ? אַדִּיבּוּרֵיהּ מַשְׁמַע, אוֹ אַגּוּפֵיהּ מַשְׁמַע?

§ With regard to one who accepted naziriteship upon himself that would begin upon the birth of his son, the Sage **ben Reḥumi**[P] **inquired of Abaye:** If one said: **I am hereby a nazirite when I will have a son, and another heard** him **and said: And it is** incumbent **upon me,**[H] **what is** the *halakha* with regard to the second person? Is **the implication** of his statement a concurrence **to the statement** of the first one, which would mean that he too accepts naziriteship upon himself when the first has a son, **or** is **the implication** of his statement meant to be understood **about himself,** i.e., that he has vowed to be a nazirite when he has a son of his own?

אִם תִּמְצֵי לוֹמַר אַגּוּפֵיהּ מַשְׁמַע, אָמַר ״הֲרֵינִי נָזִיר לְכְשֶׁיְּהֵא לִי בֵּן״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״. מַהוּ? אַנַפְשֵׁיהּ קָאָמַר, אוֹ דִילְמָא הָכִי קָאָמַר: רָחֵימְנָא לָךְ כְּוָותֵיךְ? אִם תִּמְצֵי לוֹמַר כָּל בְּאַנְפֵּיהּ

The Gemara develops the question further: Even **if you say** that the phrase: And it is incumbent upon me, has **the implication** of meaning that it is to be understood **about himself, what is** the *halakha* if one **said: I am hereby a nazirite when**[H] **I will have a son, and another heard** him **and said: And I?**[N] What is the meaning of the second person's statement? Is it to be understood that here too, **he is speaking of himself,** meaning: I shall be a nazirite when I will have a son of my own, **or perhaps this is what he is saying: I love you as you** love **yourself;** I would be as happy as you at the birth of your son, and I too will be a nazirite when you have a son. Ben Reḥumi continues: **If you say** that **anything** he says to another **in front of him**

HALAKHA

And another heard and said: And it is incumbent upon me, etc. – וְשָׁמַע חֲבֵירוֹ וְאָמַר וְעָלַי וכו׳: If one says: I am hereby a nazirite when I have a son, and another heard and said: And I, the latter becomes a nazirite immediately. The Ra'avad raises a question as to the Rambam's source for this ruling. According to the *Kesef Mishne*, the Rambam has a variant text, which replaces the phrase: And it is incumbent upon me, with: And I. Additionally, he interprets the word *aggufeih* to mean: About itself, referring to the immediate, unconditional acceptance of naziriteship. The principle of the Rambam is that whenever the Gemara introduces a dilemma with the phrase: If you say, the assumption upon which the dilemma is based is the decided *halakha*. In this case as well as the following cases, the Ra'avad holds that if both of them have sons he has no recourse but to observe two sets of naziriteship, one for the other's son and one for his own (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:5).

I am hereby a nazirite when, etc. – הֲרֵינִי נָזִיר לְכְשֶׁיְּהֵא וכו׳: If one said to another: I am hereby a nazirite when I have a son, and the other heard him and said: And I, the latter is not a nazirite since he only meant that he loves him and wishes for him to have a son (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:6).

NOTES

And another heard and said: And I – וְשָׁמַע חֲבֵירוֹ וְאָמַר וַאֲנִי: Most commentaries who accept this version of the text maintain that the difference between this question and the previous one is that the phrase: And it is incumbent upon me, indicates that he must also observe naziriteship when he has a son, whereas: And I, means: I too shall be like you and be a nazirite when you have a son (see Commentary on *Nazir* and Rosh). However, Rabbeinu Peretz questions this distinction and holds to the contrary, that saying: It is incumbent upon me, is more indicative of an acceptance of the first person's vow than saying: And I. He prefers a variant text, which is that of many early commentaries, in which one says: I am hereby a nazirite when you have a son, and another heard and said: And I. The question is whether he meant that he too will be a nazirite when he has a son of his own, or that due to his affection for the other he vows a reciprocal naziriteship when the other will have a son. Rabbeinu Peretz states, citing *Tosafot*, that according to this version the next case is referring to a situation where the first person speaks to a third party, and the second one adds: And I. The Rambam explains similarly.

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כְּסִיפָא לֵיהּ מִילְּתָא, אָמַר ״הֲרֵינִי נָזִיר לְכַשֶּׁיְּהֵא לִפְלוֹנִי בֵּן״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״. מַהוּ? מִי אָמְרִינַן שֶׁלֹּא בְּפָנָיו – אַנַּפְשֵׁיהּ קָאָמַר, אוֹ דִּילְמָא הָכִי קָאָמַר לֵיהּ: רָחֵימְנָא לֵיהּ כְּוָותֵיךְ? תִּיבָּעֵי.

should be understood in light of the fact that **the matter is embarrassing for him,** the second person is likely to mean that he will become a nazirite upon the birth of a child to the first person, as he will be embarrassed to seem indifferent about the birth of the child to the person standing before him, then the following question arises: If one **said: I am hereby a nazirite when so-and-so will have a son,**[H] **and another heard and said: And I, what is** the *halakha*? **Do we say** that since the second person **did not** vow **in front of** the subject of the first person's vow, he therefore **speaks of himself** when he says: And I, meaning that he will be a nazirite when he has a son of his own? **Or perhaps this is what he is saying to him: I love him as you do,** and I too will be a nazirite when he has a son. As in the previous cases, no answer was found for this question, and **the dilemma remains** unresolved.[N]

מתני׳ ״הֲרֵינִי נָזִיר, וְנָזִיר כְּשֶׁיְּהֶה לִי בֵּן״ הִתְחִיל מוֹנֶה אֶת שֶׁלּוֹ, וְאַחַר כָּךְ נוֹלַד לוֹ בֵּן – מַשְׁלִים אֶת שֶׁלּוֹ, וְאַחַר כָּךְ מוֹנֶה אֶת שֶׁל בְּנוֹ. ״הֲרֵינִי נָזִיר כְּשֶׁיְּהֶה לִי בֵּן, וְנָזִיר״ הִתְחִיל מוֹנֶה אֶת שֶׁלּוֹ, וְאַחַר כָּךְ נוֹלַד לוֹ בֵּן – מַנִּיחַ אֶת שֶׁלּוֹ וּמוֹנֶה אֶת שֶׁל בְּנוֹ, וְאַחַר כָּךְ מַשְׁלִים אֶת שֶׁלּוֹ.

MISHNA In a case where one said: **I am hereby a nazirite** now, **and** I will be **a nazirite when I will have a son,**[H] and **he began counting his** own term of naziriteship, i.e., his first vow, **and afterward** in the middle of this naziriteship period **a son was born to him,** he first **completes his** own[N] initial term of naziriteship **and afterward he counts** the term of naziriteship he vowed on the condition **of** the birth of **his son.** However, if he reversed the order and said: **I am hereby a nazirite when I will have a son, and** I am hereby **a nazirite,**[H] and he **began counting his** own term of naziriteship **and afterward,** during this period, **a son was born to him,** he **sets aside his** own term of naziriteship **and counts that** which he vowed on condition of the birth **of his son, and afterward** he **completes his** own term of naziriteship.

גמ׳ בָּעֵי רָבָא: אָמַר ״הֲרֵינִי נָזִיר לְאַחַר עֶשְׂרִים יוֹם וּמֵעַכְשָׁיו מֵאָה יוֹם״ מַהוּ? כֵּיוָן דְּהָלֵין מֵאָה בְּעֶשְׂרִין לָא שָׁלְמִין – לָא חָיְילִין, אוֹ דִּילְמָא כֵּיוָן דְּאִית לֵיהּ גִּידּוּל שֵׂעָר לְבַסּוֹף – חָיְילִין?

GEMARA In light of the ruling of the mishna, **Rava asks:** If one **said: I am hereby a nazirite** for a standard term of thirty days and will begin observing it **after twenty days,**[H] **and** I am also a nazirite **from now** for **one hundred days, what is** the *halakha*? Should one say that **since these one hundred** days of naziriteship are **not completed within** those first **twenty** days, it could be said that the one hundred days of naziriteship **do not take effect**[N] at all until after he has completed the thirty-day naziriteship? **Or perhaps, since he** still **has** at least thirty days of **hair growth**[N] **at the end,** as after the thirty-day term he could observe an additional eighty days, therefore the one hundred days of naziriteship **take effect** from now, and he counts twenty days, pauses to observe the other term of naziriteship for thirty days, shaves, and then completes the final eighty days of the long term of naziriteship.

HALAKHA

When so-and-so will have a son – לְכַשֶּׁיְּהֵא לִפְלוֹנִי בֵּן: If one says: I am hereby a nazirite when so-and-so will have a son, and another heard him and said: And I, it is uncertain whether the second person has accepted naziriteship upon himself or whether he was merely expressing his equal affection for him. Since the *halakha* is to be lenient in uncertain cases of naziriteship, he is not a nazirite. According to the Ra'avad he remains in a state of uncertainty until he vows to observe two terms of naziriteship: One for the other's son and one for his own (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:7).

I am hereby a nazirite, and a nazirite when I will have a son – הֲרֵינִי נָזִיר, וְנָזִיר כְּשֶׁיְּהֶה לִי בֵּן: If one says: I am hereby a nazirite, and I will be a nazirite when I have a son, and then a son was born to him while he was counting his naziriteship, he completes the first term of naziriteship and afterward observes the term of naziriteship he vowed for the birth of his son (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:3).

I am hereby a nazirite when I will have a son, and I am hereby a nazirite – הֲרֵינִי נָזִיר כְּשֶׁיְּהֶה לִי בֵּן וְנָזִיר: If one says: I am hereby a nazirite when I will have a son and I am hereby a nazirite for a certain period of time, and a son was born to him during his term of naziriteship, he stops counting that term of naziriteship, observes the term of naziriteship for his son, and afterward completes the first term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:3).

I am hereby a nazirite after twenty days, etc. – הֲרֵינִי נָזִיר לְאַחַר עֶשְׂרִים יוֹם וכו': If one says: I am hereby a nazirite after twenty days, and then says: I am hereby a nazirite from now for one hundred days, he counts twenty days, pauses, and proceeds to observe the thirty days of his first vow of naziriteship. At the conclusion of those thirty days he shaves and brings the offerings. He then observes the remaining eighty days of the term of naziriteship he had started to observe, shaves, and brings the offerings. The *halakha* is in accordance with the opinion of Rava, based on the assumption of the question beginning: If you say, on the following page (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:6).

NOTES

The dilemma remains unresolved [*tiba'ei*] – תִּיבָּעֵי: This is equivalent to the more prevalent phrase: The dilemma shall stand [*teiku*]. The early commentaries point out that differences of this kind are characteristic of the style of this tractate, as well as tractate *Nedarim*, in contrast to other tractates.

He completes his own, etc. – מַשְׁלִים אֶת שֶׁלּוֹ וכו': The early commentaries suggest two basic explanations for this statement. Some commentaries even cite both interpretations, including different versions of each (see Rabbeinu Peretz and Rabbeinu Azriel). One explanation (Commentary on *Nazir*; Rosh) is that after completing his term he does not shave, since the term of naziriteship for his son took effect during the first term of naziriteship, and he then immediately observes the term of naziriteship for his son. Upon the completion of the second term of naziriteship he shaves and brings the offerings for both terms. Alternatively, he brings only one set of offerings, as the offerings are contingent on the shaving, and he has shaved only once (Rabbeinu Azriel). The other explanation is that he completes his own term of naziriteship, shaves, and brings the offerings, and afterward begins to count a second term of naziriteship for his son. The Commentary on *Nazir* attributes this interpretation to an individual called: The teacher, which may refer to Rashi. Many early commentaries agree with this second explanation, and the Jerusalem Talmud explains likewise.

Do not take effect – לֹא חָיְילִין: If this is the *halakha*, then one in this situation does not observe naziriteship at all during the first twenty days. He may drink wine and contract impurity from a corpse. After twenty days have passed he observes thirty days of naziriteship, shaves, and then observes a further term of one hundred days. *Tosafot* explain that although he said: From now, he meant only that he is vowing now, but it is clear from the content of his statement that he does not wish to start counting that term of naziriteship immediately. As for the difference between this *halakha* and the *halakha* of the mishna with regard to one whose term of naziriteship for his son came into effect while he was observing his own term of naziriteship, where everyone agrees that he starts his own term of naziriteship and stops it, the commentaries offer the following explanation: In the case of the mishna he does not know the precise date of his son's birth, so his own term of naziriteship begins immediately, as he might be able to complete it in time. Here, however, he knows ahead of time that twenty days are insufficient for a term of naziriteship, so it can be assumed that he did not intend for the term of naziriteship to begin immediately.

Since he has hair growth – כֵּיוָן דְּאִית לֵיהּ גִּידּוּל שֵׂעָר: Some commentaries explain that since he must shave at the completion of the thirty days of the second term of naziriteship, there is a need for sufficient time for another complete term of naziriteship in order for his hair to grow, so that he can shave again at the completion of the restarted term of naziriteship. This means that at least thirty days of the initial naziriteship must remain, because one cannot shave for hair growth of less than thirty days (*Tosafot*). Others explain that as in the case of the mishna, he shaves only once, at the conclusion of the final term of naziriteship. According to this explanation, the Gemara is not referring to actual hair growth, as his hair has already grown during the intervening term, but refers to a sufficiently long period of time for the growth to occur after the intervening term has ended (see *Shita Mekubbetzet* and Meiri).

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וְתֵיבָּעֵי לֵיהּ נְזִירוּת מוּעֶטֶת! חֲדָא מִגּוֹ חֲדָא קָא מִיבָּעֵיָא לֵיהּ;

The Gemara asks: **And let him raise** this **dilemma** with regard to **a short** term of **naziriteship,** when fewer than thirty days would remain if he suspended the first term of naziriteship in order to observe the other. The Gemara answers: **He raises one dilemma as a result of the other.** In other words, Rava's question was an outgrowth of a different inquiry, which in turn led to his question. The full discussion is as follows:

Perek **II**
Daf **14** Amud **a**

HALAKHA

A short naziriteship, etc. – נְזִירוּת מוּעֶטֶת וכו׳: If one says: I am hereby a nazirite after twenty days and a nazirite from now, he observes a term of naziriteship of thirty days, shaves, and then observes a second term of thirty days for the naziriteship that was to commence after twenty days. This is because if he counts twenty and stops for the second term of naziriteship, only ten days would remain for the completion of his first term, and there must be at least thirty days between each shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:7 and *Kesef Mishne* there).

I am hereby a nazirite after twenty, etc. – הֲרֵינִי נָזִיר לְאַחַר עֶשְׂרִים וכו׳: If one said: I am hereby a nazirite after twenty days, and then said: I am a permanent nazirite from now, the naziriteship of his first vow does not take effect (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:8 and *Kesef Mishne* there).

אִם תִּמְצֵי לוֹמַר נְזִירוּת מוּעֶטֶת, כֵּיוָן דַּעֲשָׂרָה יוֹמִין הוּא דְּיָתְרִין – לָא סָלֵיק לֵיהּ הָלֵין עֲשָׂרָה; וַדַּאי נָזִיר מֵאָה יוֹם, כֵּיוָן דְּאִית לֵיהּ תְּמָנְיִן יוֹמִין לְבַסּוֹף – סָלְקִין לֵיהּ, אוֹ לָא?

If you say that when he accepts naziriteship upon himself after twenty days, and then vows **a short** term of **naziriteship**[H] of thirty days starting now, then **since,** if he pauses from his first term of naziriteship after twenty days, **it is** only **ten days that are left over** to complete after the second term of naziriteship, **those ten should not be reckoned for him** to complete a full term of naziriteship. Ten days are insufficient for hair growth. Therefore, he must observe a full thirty-day term of naziriteship after the second term of naziriteship, which means he is not a nazirite for the first twenty days. With that assumption in mind, the question arose: **Certainly** if he vows to be **a nazirite** for **one hundred days, since he has** a further **eighty days at the end,** which is sufficient time for his hair to grow, do the first twenty days **count for him** as part of the one hundred days **or not?**

וְאִם תִּמְצֵי לוֹמַר חָיְילִי, אָמַר ״הֲרֵינִי נָזִיר לְאַחַר עֶשְׂרִים יוֹם וּמֵעַכְשָׁיו נָזִיר עוֹלָם״ מַהוּ? מִי חָיְילָא עֲלֵיהּ אוֹ לָא?

This inquiry leads to yet another question: **And if you say** that the first days of naziriteship **take effect,**[N] and his term of naziriteship will be completed in the eighty days after the second term of naziriteship, then if he **said: I am hereby a nazirite after twenty**[H] **days, and from now** I am **a permanent nazirite, what is** the *halakha*? **Does** the permanent naziriteship **take effect for him** during those twenty days **or not?** Since permanent naziriteship is unlimited, he could not have intended to complete its days after the second term of naziriteship, and it is reasonable to assume that he intended for the permanent naziriteship to begin after the second term of naziriteship has been completed.

NOTES

And if you say that they take effect – וְאִם תִּמְצֵי לוֹמַר חָיְילִי: At this point the Gemara expands Rava's question: Even if the previous problem is resolved by saying that a term of naziriteship that cannot be completed before the second term of naziriteship starts should nevertheless commence at once, it is possible that this is so only because both terms of naziriteship are of limited duration. Moreover, since they can be completed consecutively, the first one takes immediate effect.

If, however, one of the terms of naziriteship is unlimited, this means that once he begins it the second term of naziriteship can never take effect, and even if it could take effect, he cannot shave at its conclusion (Rabbeinu Peretz). The Rosh explains that when there are two terms of naziriteship that last for a specific period of time, neither of them is viewed as an interruption of the other, whereas a permanent naziriteship represents an entirely different category.

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אִם תִּמְצֵי לוֹמַר, הָכָא כֵּיוָן דְּאָפְשָׁר לְאֵיתְשׁוּלֵי – חָיְילָא, אָמַר ״הֲרֵינִי נָזִיר שִׁמְשׁוֹן לְאַחַר עֶשְׂרִים יוֹם וּמֵעַכְשָׁיו נָזִיר סְתָם״ מַהוּ? הָכָא לָא אֶפְשָׁר לְאֵיתְשׁוּלֵי – מִי חָיְילָא אוֹ לָא? אָמַר ״כְּמשֶׁה בְּשִׁבְעָה בַּאֲדָר״. מַאי?

If you say: Here, with regard to cases of a standard permanent naziriteship after twenty days, **since** it **is possible to request** of a halakhic authority to dissolve the vow, which would result in the first term of naziriteship taking full effect, it therefore **takes effect** during those twenty days, then the following question arises: If one **said: I am hereby a nazirite** like **Samson**[NHB] **after twenty days, and from now** I am hereby **a nazirite without specification, what is** the *halakha*? Since **here it is not possible to request** of a halakhic authority to dissolve the vow of naziriteship like Samson, and there is no way of completing the first term of naziriteship, **does** the first naziriteship **take effect or not?** The Gemara adds another question: If one **said:** I am hereby **like Moses on the seventh** day **of Adar,**[N] **what** is the *halakha*? Is this considered an expression of naziriteship in that just as Moses passed away on that date and drank no more wine, so too, the speaker vows to be a nazirite? Alternatively, perhaps this phrase does not indicate the acceptance of naziriteship.

פְּשׁוֹט מִינַּייהוּ קַדְמַיְיתָא: ״הֲרֵינִי נָזִיר לְאַחַר עֶשְׂרִים יוֹם וּמֵעַכְשָׁיו מֵאָה יוֹם״ – מֹונֶה עֶשְׂרִים, וְאַחַר כָּךְ מֹונֶה שְׁלֹשִׁים, וְאַחַר כָּךְ מֹונֶה שְׁמוֹנִים, כְּדֵי לְהַשְׁלִים נְזִירוּת רִאשׁוֹנָה.

The Gemara comments: At least **resolve the first of these** questions, the one raised at the beginning of the discussion, as it is stated explicitly in the *Tosefta* (2:5): If one says: **I am hereby a nazirite after twenty days, and** I am hereby a nazirite **from now** for **one hundred days, he counts twenty** days of his term of naziriteship immediately, **after which he counts thirty** days for the subsequent term of naziriteship, **and afterward he counts eighty** days **in order to complete** his **first** term of **naziriteship.**

נִטְמָא בִּימֵי בְּנוֹ, רַבִּי יוֹחָנָן אָמַר: סוֹתֵר, רֵישׁ לָקִישׁ אָמַר: אֵינוֹ סוֹתֵר.

§ The Gemara returns to its discussion of the statement of the mishna with regard to one who vowed to be a nazirite upon the birth of a son in addition to a standard term of naziriteship. The mishna ruled that he begins his term of naziriteship, and if he has a son during that term, he pauses from that term of naziriteship and starts the term for his son, after which he completes the first term. The Torah states that a nazirite who becomes impure while observing his term of naziriteship must start counting afresh, which leads to the following question: What happens if **he became impure during the days of** his term of naziriteship for **his son?**[H] **Rabbi Yoḥanan says:** This **negates** all of it, even the days he has counted for his own term of naziriteship, and he must observe two full terms of naziriteship. **Reish Lakish says: This does not negate** the days he observed for his own term of naziriteship, only those of the term of naziriteship for his son.

רַבִּי יוֹחָנָן אָמַר: סוֹתֵר, חֲדָא נְזִירוּת אֲרִיכְתָּא הִיא. רֵישׁ לָקִישׁ אָמַר: אֵינוֹ סוֹתֵר, נְזִירוּת דִּידֵיהּ לְחוּד, וְדִבְרֵיהּ לְחוּד.

The Gemara clarifies the two approaches: **Rabbi Yoḥanan says** it **negates** all of it, since he holds that **it is one long** term of **naziriteship.**[N] **Reish Lakish says it does not negate** the days he observed for his own term of naziriteship because **his** term of **naziriteship is** a **discrete** naziriteship, **and that for his son is** a **discrete** naziriteship.

HALAKHA

I am hereby a nazirite like Samson, etc. – הֲרֵינִי נָזִיר שִׁמְשׁוֹן וכו׳: If one said: I am hereby a nazirite like Samson after twenty days, and subsequently said: I am hereby a nazirite from now, he does not shave at the completion of the term of naziriteship observed due to his second vow, as he is then a nazirite like Samson (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:9 and see *Kesef Mishne* there).

He became impure during the days of his son – נִטְמָא בִּימֵי בְּנוֹ: If one vowed to be a nazirite upon the birth of his son, and then took a vow of a standard term of naziriteship beginning immediately, he starts the latter term of naziriteship at once. If he has a son before completing his term, he observes the term of naziriteship for his son and afterward completes his term of naziriteship. These two terms of naziriteship are considered a single term, and if he became impure during the term of naziriteship for his son all of the days are negated. This is because the *halakha* is generally ruled in accordance with Rabbi Yoḥanan's opinion in opposition to Reish Lakish. If one became impure during the final days of his own term of naziriteship, after the term of naziriteship for his son was completed, he forfeits only the latter days. The Ra'avad maintains that he also forfeits the first days of his own term of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:3).

BACKGROUND

A nazirite like Samson – נְזִיר שִׁמְשׁוֹן: According to some authorities, one who takes a vow to be a nazirite like Samson is not a nazirite at all, since Samson himself did not take a vow of naziriteship (see Judges, chapter 13); however, others set norms for a nazirite like Samson. They permit him to become ritually impure by coming in contact with dead bodies, thereby freeing him from the obligation to bring the special nazirite offerings if he becomes ritually impure, but they prohibit him from cutting his hair or drinking wine. Such a nazirite vow is permanent, and some hold that it cannot be dissolved.

NOTES

I am hereby a nazirite like Samson, etc. – הֲרֵינִי נָזִיר שִׁמְשׁוֹן וכו׳: The Sages had a tradition that one cannot request to have a naziriteship of this type dissolved (Rabbeinu Peretz). The Commentary on *Nazir* explains that this is because Samson himself never vowed to be a nazirite but rather had it imposed upon him by an angel; therefore, he could not request its dissolution. Consequently, one who vows to be a nazirite like Samson has no option of dissolution.

Like Moses on the seventh day of Adar, etc. – כְּמשֶׁה בְּשִׁבְעָה בַּאֲדָר וכו׳: The *Keren Ora* is puzzled by the placement of this question, which appears unrelated to the previous questions. Rabbeinu Peretz explains simply that this question is in fact unconnected to the other ones, and is mentioned here only as one of a series of unresolved questions.

The Meiri claims that this problem is related to the case of a naziriteship like Samson. In both situations one is stating a vow of naziriteship by comparing himself to someone who did not drink wine, but not as a result of a vow of naziriteship. Samson's naziriteship did not come about through a vow, and Moses' refraining from wine also was not the result of a vow. When one links his naziriteship to the behavior of a person who refrains from drinking wine due to illness or a similar reason, the vow does not take effect. The question in the Gemara is whether that *halakha* applies to the comparison to Moses, or whether the case of one who compares himself to Moses has the same *halakha* as that of a naziriteship like Samson.

With regard to what the uncertainty is when he says: The seventh of Adar, most commentaries (*Tosafot*; Rosh; Rabbeinu Todros; Rabbeinu Azriel, citing Rabbeinu Tam) explain that it is uncertain whether or not he had naziriteship in mind. On the one hand, since Moses died on the seventh of Adar, it is possible that many Jews decided to be nazirites as an expression of mourning, since, like a mourner, a nazirite may not drink wine or shave. On the other hand, the one in question might have intended to celebrate that day in honor of the birth of Moses, which occurred on the same date, and did not intend to accept upon himself naziriteship or any other prohibition. The Commentary on *Nazir* explains that just as Moses himself did not drink wine from the day of his death onward, this person vows that wine is forbidden to him as well. The Meiri suggests that Moses did not drink wine on the day of his death, as he was presumably not focused on his physical needs on that day.

It is one long term of naziriteship – חֲדָא נְזִירוּת אֲרִיכְתָּא הִיא: The early commentaries explain that this naziriteship is considered one long term, even though it contains both his own term of naziriteship as well as the one for his son, because he does not shave until the conclusion of the entire period. *Tosafot* claim that Rabbi Yoḥanan said it is a long term of naziriteship and one forfeits the entire period only if he became impure during the days of the naziriteship for his son, in which case it also negates the first period he had observed for his own term of naziriteship. However, if he became impure during the period in which he completes his term of naziriteship, after the completion of the term of naziriteship for his son, he does not forfeit the days of the term of naziriteship for his son but only the first days he had counted for his own term of naziriteship. In contrast, the Rambam rules that if one became impure during those last days, not only does it not negate the term of naziriteship for his son, but even the earlier days he observed for his own term of naziriteship remain valid. The *Keren Ora* writes that the Rambam here is consistent with his approach that one must shave after concluding the term of naziriteship for his son, which means the two parts of his own term of naziriteship are linked only by the numbering of days. They are not considered a single unit with regard to negation.

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נִטְמָא בִּימֵי צָרַעְתּוֹ, רַבִּי יוֹחָנָן אָמַר: סוֹתֵר, רֵישׁ לָקִישׁ אָמַר: אֵינוֹ סוֹתֵר.

These two *amora'im* have a similar dispute in the case of one who contracted leprosy during his naziriteship and **became impure** by coming into contact with corpse **during the days of his leprosy.**[BH] Although the days of his leprosy do not negate the previous days of his naziriteship, they are not counted as part of his naziriteship either. **Rabbi Yoḥanan says:** Contraction of impurity from a corpse **negates** the days of naziriteship observed before his leprosy, which means he must start counting afresh once he is purified of leprosy. **Reish Lakish says: It does not negate** the days he has observed, and he need observe only the remaining days of his naziriteship after his purification.

רַבִּי יוֹחָנָן אָמַר: סוֹתֵר, דְּהָא בְּנְזִירוּת קָאֵי. רֵישׁ לָקִישׁ אָמַר: אֵינוֹ סוֹתֵר, צָרַעַת לְחוּד וּנְזִירוּת לְחוּד.

The Gemara clarifies their respective approaches. **Rabbi Yoḥanan says** the impurity from a corpse **negates** the days he already observed, **since he remains in** a period of **naziriteship** even when he is a leper, as his leprosy does not negate his naziriteship. **Reish Lakish says it does not negate** the days he observed, since he maintains that **leprosy is discrete and naziriteship is discrete.** One's time as a leper is not considered part of his naziriteship.

וּצְרִיכָא, דְּאִי אִיתְּמַר בְּהַדְ קַמַּיְיתָא – בְּהַהִיא אָמַר רַבִּי יוֹחָנָן סוֹתֵר, שֵׁם נְזִירוּת אַחַת הִיא, אֲבָל בְּהָא – אֵימָא מוֹדֶה לֵיהּ לְרֵישׁ לָקִישׁ, דְּנָזִיר לְחוּד וְצָרַעַת לְחוּד.

The Gemara comments: **And** it is **necessary** to teach this dispute in both cases. **As, if it were stated in this first one,** with regard to one who became impure during his term of naziriteship for the birth of his son, one might say that it is specifically **in that** case that **Rabbi Yoḥanan said it** also **negates** the days of his standard naziriteship because **there is one label of naziriteship** that applies to both vows, **but in this** case, where the leper became impure from a corpse, one might **say he concedes to Reish Lakish** that it does not negate the days of his naziriteship that he has counted, **since a nazirite is discrete and leprosy is discrete.**

וְאִי אִיתְּמַר בְּהָא – בְּהָא קָאָמַר רֵישׁ לָקִישׁ, אֲבָל בְּהַדְ – אֵימָא מוֹדֶה לֵיהּ לְרַבִּי יוֹחָנָן, צְרִיכָא.

And conversely, **if it were stated** only **in this** case, that of the leper who contracted impurity from a corpse, one might say that it is only **in this** case that **Reish Lakish said** it does not negate his days of naziriteship, **but in that** case, where one became impure while observing the term of naziriteship for his son, one might **say he concedes to Rabbi Yoḥanan** that it negates the entire period, since they are all days of naziriteship. Therefore, it is **necessary** for the dispute to be taught in both cases.

נִטְמָא בְּיוֹם גִּידּוּל שֵׂעָר, רַב אָמַר: אֵינוֹ סוֹתֵר; אֲפִילּוּ לְרַבִּי יוֹחָנָן דְּאָמַר סוֹתֵר – הָנֵי מִילֵּי הֵיכָא דְּקָאֵי בִּנְזִירוּת, גִּידּוּל שֵׂעָר – מִשְּׁלָם נְזִירוּת הוּא.

In connection with the dispute between Rabbi Yoḥanan and Reish Lakish, the Gemara discusses the case of a nazirite **who became impure on the day of** his **hair growth.**[NH] The case is that of one who contracted leprosy during his naziriteship and then was purified from his condition and shaved, as required of him. At this point he must wait another thirty days so that his hair can grow enough for him to shave it for the end of his naziriteship. If he became impure during this additional period, **Rav said: It does not negate** the days he previously counted for his naziriteship. The Gemara explains: **Even according to Rabbi Yoḥanan, who says** that if one became impure during the days of the term of naziriteship for his son it **negates** the entire period, **this statement** applies only **where he** still **remains in** a period of **naziriteship,** but the time of **hair growth is an addition to** his period of **naziriteship** and is not considered part of the term itself.

BACKGROUND

Leprosy [*tzara'at*] – צָרַעַת: Traditionally rendered as leprosy, the term *tzara'at* used is the Torah is not necessarily the equivalent of the disease known by that name. The Torah term refers to symptoms that cause severe ritual impurity. The *halakhot* governing these symptoms are articulated at length in Leviticus, chapters 13–15, and in the Mishna in tractate *Nega'im*. Leprosy can be contracted on skin, hair, articles of clothing, and houses. When a symptom appears, it is examined by a priest, and only a priest is authorized to determine whether to quarantine the affected person for a certain period or to declare immediately that the symptom is or is not leprosy. Leprosy is one of the primary sources of ritual impurity, and it is particularly severe in that it imparts ritual impurity to items found in the same enclosure with it, like the impurity imparted by corpses. One afflicted with leprosy in the wilderness was sent out of the Israelite camp, and once the Jewish people entered Eretz Yisrael, out of his town or city. He must live in solitude until his affliction is cured. A cured leper undergoes certain rites outside the city and a purification ceremony in the Temple itself. He is obligated to bring specific offerings as part of his purification.

NOTES

On the day of hair growth – בְּיוֹם גִּידּוּל שֵׂעָר: There are different opinions with regard to this case. Most early commentaries explain that the Gemara is referring to a person who shaved his hair during his naziriteship either against his will or because he contracted leprosy. Although the shaving does not cause him to forfeit his previous days of naziriteship, he is nevertheless required to observe a period of thirty days so that his hair can grow enough for shaving.

Rav and Shmuel have a dispute with regard to the *halakha* of one who became impure during this additional period of hair growth. Rav maintains that Rabbi Yoḥanan and Reish Lakish would both agree that these days are not considered part of his naziriteship, since he has already counted the requisite number of days. Conversely, Shmuel argues that since these days serve to complete his naziriteship they are viewed as an integral part of it (*Tosafot*; Rosh; Rabbeinu Peretz; Rabbeinu Todros). The Commentary on *Nazir* offers an alternative explanation which suggests a similar approach. It states that the Gemara is referring to a nazirite who became impure and, after becoming pure again, began counting a new full term of naziriteship as required. He then became impure during the period added to his naziriteship due to the first impurity. In this case, Rav and Shmuel disagree over whether these days can be viewed as merely an addition to the previous naziriteship, or whether they are considered part of the naziriteship itself since the previous days were negated.

In contrast to this, some commentaries maintain that the phrase: The day of his hair growth, should be understood literally as referring to a particular day. Therefore, the Commentary on *Nazir*'s initial interpretation explains that the case is of one who vowed to be a nazirite for one hundred days, and after seventy days passed he contracted leprosy, was cured, and resumed his naziriteship. He shaved on the one hundredth day, and on the very day that he completed his term became a leper again. According to this approach, everyone agrees that he negates the last thirty days, and the dispute concerns the status of the first seventy.

In *Sefer HaYashar*, Rabbeinu Tam writes that Rav agrees with the opinion that one who became impure on the day of the completion of his term of naziriteship has to repeat only thirty days, and the words: It does not negate, mean it does not negate it all. The Meiri states that if one became impure on the day of his offerings, which occurs on the day after the completion of his naziriteship, he forfeits at least thirty days. It is the day after this that is called: The day of hair growth, and since this day is not part of his naziriteship even by rabbinic decree, Rav maintains that it does not negate his term if he became impure on that day.

HALAKHA

Became impure during the days of his leprosy – נִטְמָא בִּימֵי צָרַעְתּוֹ: A nazirite with leprosy who later contracts impurity from a corpse forfeits all his previous days of naziriteship because he is still considered a nazirite, despite the impurity of the leprosy (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:10).

Became impure on the day of hair growth – נִטְמָא בְּיוֹם גִּידּוּל שֵׂעָר: If a nazirite completes his term of naziriteship and on the following day, when he may grow his hair, he becomes impure, he does not forfeit any part of his naziriteship even if he has yet to shave, since his period of naziriteship is over. The *halakha* is in accordance with Rav in opposition to Shmuel in matters of ritual law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:5 and *Kesef Mishne* there).

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וּשְׁמוּאֵל אָמַר: סוֹתֵר; אֲפִילּוּ לְרֵישׁ לָקִישׁ דְּאָמַר אֵין סוֹתֵר – הָתָם שְׁתֵּי נְזִירוֹת, הָכָא חֲדָא נְזִירוּתָא.

And Shmuel said: It **negates** the earlier days. The Gemara explains: **Even according to Reish Lakish, who says** that becoming impure during the naziriteship for his son **does not negate** the days of his naziriteship, **there** it is referring to a case of **two** distinct terms of **naziriteship,** a standard one for himself and another for his son. But **here** it is **one naziriteship,** since the days he observes for the growth of his hair complete his naziriteship.

אָמַר רַב חִסְדָּא: הַכֹּל מוֹדִים שֶׁאִם קָדַשׁ שֵׂעָר בְּדָם – אֵין לוֹ תַּקָּנָה.

§ **Rav Ḥisda said: All concede that if the hair was consecrated** during the sprinkling **of the blood, he has no** means of **remedy.** That is, if the nazirite had completed his term and brought his offerings, and the blood of the offerings was sprinkled, and he then became impure before shaving, he has no way to shave or to render wine permitted to himself. It has not been permitted through the offerings he brought because he has become impure, and he cannot bring other offerings for this purpose since one may not bring two sets of offerings for the same term of naziriteship.

אַלִּיבָּא דְּמַאן? אִי אַלִּיבָּא דְּרַבִּי אֱלִיעֶזֶר, כֵּיוָן דְּאָמַר תִּגְלַחַת מְעַכֶּבֶת – תּוֹךְ מְלֹאת הִיא, וְלִסְתּוֹר! אֶלָּא אַלִּיבָּא דְּרַבָּנַן – הָאָמְרִי תִּגְלַחַת לֹא מְעַכֶּבֶת! לְעוֹלָם אַלִּיבָּא דְּרַבָּנַן, וּמַאי ״אֵין לוֹ תַּקָּנָה״ – אֵין לוֹ תַּקָּנָה לְמִצְוַת גִּילּוּחַ.

The Gemara asks: **In accordance with whose** opinion did Rav Ḥisda state this *halakha*? **If** one says that it is **in accordance with** the opinion **of Rabbi Eliezer,** this cannot be, **since** Rabbi Eliezer **said** that **shaving is indispensable** to the completion of naziriteship. The impurity **is** therefore contracted **within the full term** of his naziriteship, in which case it would not make sense that he has no remedy; **but let** it instead **negate** his days of naziriteship, and he will observe them again, after which he will shave. **Rather,** perhaps Rav Ḥisda spoke **in accordance with** the opinion **of the Rabbis; didn't they say** that **shaving is not indispensable**[H] to the completion of naziriteship, which means his impurity occurred when he was no longer a nazirite? The Gemara answers: **Actually,** Rav Ḥisda ruled **in accordance with** the opinion **of the Rabbis, and what** is the meaning of: **He has no** means of **remedy?** It means: **He has no** means of **remedy for the mitzva of shaving,** i.e., he cannot fulfill the mitzva of shaving in purity as required.

אָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: נָזִיר שֶׁכָּלוּ לוֹ יָמָיו – לוֹקֶה עַל הַטּוּמְאָה, וְאֵינוֹ לוֹקֶה עַל הַתִּגְלַחַת וְלֹא עַל הַיַּיִן. מַאי שָׁנָא טוּמְאָה דִּלְקֵי – דְּאָמַר קְרָא ״כָּל יְמֵי הַזִּירוֹ לַה׳״ לְרַבּוֹת יָמִים שֶׁלְּאַחַר מְלֹאת כַּיָּמִים שֶׁלְּפָנֵי מְלֹאת.

§ **Rabbi Yosei, son of Rabbi Ḥanina, said: A nazirite whose days** of naziriteship **are completed** but who has yet to bring his offerings **is flogged for the** contracting of **impurity**[N] if he becomes impure from a corpse, like any nazirite who becomes impure, **but he is not flogged for the** act of **shaving, nor for the** drinking of **wine.** The Gemara asks: **What is different** with regard to **impurity that he is flogged** for it? It is **as the verse states: "All the days that he has consecrated himself unto the Lord** he shall not come near to a dead body" (Numbers 6:6). The additional word "all" comes **to include** the **days after the completion** of his naziriteship and teaches that they are **like the days before** its **completion** with regard to the prohibition against contracting impurity from the dead. Therefore, he is liable to receive lashes.

אִי הָכִי אַתִּגְלַחַת נַמִּי לִיחַיֵּיב, דְּהָא אָמַר רַחֲמָנָא ״כָּל יְמֵי נֶדֶר נִזְרוֹ תַּעַר לֹא יַעֲבֹר עַל רֹאשׁוֹ״ – לַעֲשׂוֹת יָמִים שֶׁלְּאַחַר מְלֹאת כַּיָּמִים שֶׁלְּפָנֵי מְלֹאת! וְתוּ: ״כָּל יְמֵי נִזְרוֹ מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״ – לַעֲשׂוֹת יָמִים שֶׁלְּאַחַר מְלֹאת כַּיָּמִים שֶׁלְּפָנֵי מְלֹאת!

The Gemara asks: **If so, let him also be liable** to receive lashes **for shaving, since the Merciful One states** in the Torah: **"All the days of his vow of naziriteship there shall no razor come upon his head"** (Numbers 6:5). Here too, the word "all" should **render** the **days after** the **completion** of his naziriteship **like the days before** its **completion. And furthermore,** with regard to wine as well, the verse states: **"All the days of his naziriteship, from anything that is made of the grapevine,** from the pressed grapes even to the grapestone, he shall not eat" (Numbers 6:4). Once again, the word "all" should **render** the **days after** the **completion** of his naziriteship **like the days before** its **completion** with regard to drinking wine. What is the reason for the difference in *halakha* between contracting impurity on the one hand, and shaving and drinking wine on the other?

HALAKHA

Shaving is not indispensable – תִּגְלַחַת לֹא מְעַכֶּבֶת: If a nazirite has completed his days of naziriteship and brought his offerings, the fact that he has not yet shaved does not preclude the conclusion of his naziriteship. Rather, he may drink wine and contract impurity from a corpse after nightfall, in accordance with the opinion of the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:5).

NOTES

He is flogged for the contracting of impurity – לוֹקֶה עַל הַטּוּמְאָה: Even Rabbi Yosei, son of Rabbi Ḥanina, agrees that one does not forfeit his period of naziriteship, since he has already counted the requisite number of days (*Tosafot*).

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HALAKHA

A nazirite whose days are completed – נָזִיר שֶׁכָּלוּ לוֹ יָמָיו: If a nazirite has completed his term of naziriteship but has yet to bring his offerings, he remains bound by all the prohibitions of naziriteship and is liable to receive lashes if he transgresses any of them (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:12).

I am hereby a nazirite when I will have a son, etc. – הֲרֵינִי נָזִיר לִכְשֶׁיִּהְיֶה לִי בֵּן וכו': If one vowed to be a nazirite when he has a son, and then stated: I am hereby a nazirite from now for one hundred days, if he has thirty or more days remaining of his naziriteship when his son is born, e.g., if the son is born on the sixtieth day of his naziriteship, he counts the term of naziriteship for his son and shaves, then completes the remaining forty days of his own term of naziriteship and shaves again. If fewer than thirty days of his term of naziriteship remain, e.g., if the son was born on the eighteenth day of his naziriteship, he observes the term of naziriteship for his son, shaves, and proceeds to observe a further thirty-day term. He is a nazirite for an extra ten days so that he will be able to shave a second time (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:4–5).

שֶׁאנִי הָכָא, דְּאָמַר רַחֲמָנָא "וְטִמֵּא רֹאשׁ נִזְרוֹ" – מִי שֶׁנִּזְרוֹ תָּלוּי לוֹ בְּרֹאשׁוֹ. מֵיתִיבִי: נָזִיר שֶׁכָּלוּ לוֹ יָמָיו – אָסוּר לְגַלֵּחַ וְלִשְׁתּוֹת יַיִן וְלִטַּמֵּא לַמֵּתִים, וְאִם גִּילַּח וְשָׁתָה יַיִן וְנִטְמָא לַמֵּתִים – הֲרֵי זֶה סוֹפֵג אֶת הָאַרְבָּעִים. תְּיוּבְתָּא.

The Gemara answers: **Here,** with regard to impurity, **it is different, as the Merciful One states** in the Torah: **"And he defile his consecrated head"** (Numbers 6:9), which indicates that even **one whose naziriteship is** dependent only **upon his head,** i.e., one who has completed his naziriteship other than shaving, is liable to receive lashes if he contracts impurity. The Gemara **raises an objection** to the statement of Rabbi Yosei, son of Rabbi Ḥanina, from a *baraita*: **A nazirite whose days are completed**[H] **is forbidden to shave, and** is forbidden **to drink wine, and** is forbidden **to contract impurity from corpses. And if he did shave, or drink wine, or contract impurity from corpses, he incurs the forty** lashes administered to one who violates a Torah prohibition. This *baraita* clearly states that he is flogged for any of the three prohibitions, which is a **conclusive refutation** of the statement of Rabbi Yosei, son of Rabbi Ḥanina.

מתני' "הֲרֵינִי נָזִיר לִכְשֶׁיִּהְיֶה לִי בֵּן, וְנָזִיר מֵאָה יוֹם". נוֹלַד לוֹ בֵּן, עַד שִׁבְעִים – לֹא הִפְסִיד כְּלוּם, לְאַחַר שִׁבְעִים – סוֹתֵר שִׁבְעִים, שֶׁאֵין תִּגְלַחַת פָּחוֹת מִשְּׁלֹשִׁים יוֹם.

MISHNA In the case of one who said: **I am hereby a nazirite when I will have a son,**[H] **and** he added: I am hereby **a nazirite** from now for **one hundred days,** and he then began observing the one hundred days of his naziriteship, if **a son is born to him up to seventy** days from the start of his naziriteship **he has not lost anything.**[N] He pauses from the observance of the naziriteship of one hundred days and observes the thirty-day term for his son. He then completes the thirty or more days left of his initial naziriteship. However, if his son is born **after seventy** days, this **negates** the first **seventy**[N] days, and he must observe a full hundred days after he completes the naziriteship for his son. The reason is that here, he is unable to merely complete the remaining days of his initial naziriteship after shaving at the completion of the naziriteship for his son, **since shaving cannot** be performed after a period of **less than thirty days.**

NOTES

He has not lost anything – לֹא הִפְסִיד כְּלוּם: There are two basic explanations for this clause. One approach is that if a son is born before he has observed seventy days of his own term of naziriteship, he pauses from his observance of that term of naziriteship, observes the term for his son, shaves, and then completes the remaining days of his long naziriteship (Commentary on *Nazir*; Rid; Rabbi Avraham min HaHar). An alternative opinion states that if a son is born before seventy days have passed, he need not observe a separate term for his son, since the days of naziriteship for his son are incorporated within his own term of naziriteship, as the same days may count toward both terms of naziriteship. Upon the completion of one hundred days he shaves and brings the offerings for both vows of naziriteship (*Tosafot* 13b; Rosh; Rabbeinu Peretz). The Meiri cites both approaches.

After seventy, it negates seventy, etc. – לְאַחַר שִׁבְעִים סוֹתֵר שִׁבְעִים וכו': The different explanations given by the commentaries for the previous stage of the Gemara continue here as well. According to the Commentary on *Nazir*, this should be understood as follows: Since the son was born with fewer than thirty days remaining to the father's vow, the father first observes the thirty-day naziriteship for his son because that vow was stated first; he then shaves and counts another full term of one hundred days for his second vow. This explanation fits well with the text of the mishna and Gemara.

Tosafot explain differently: If the son was born after seventy days, the father pauses from the observance of his own term of naziriteship and observes the naziriteship for his son, after which he completes the remaining days of his naziriteship. However, the meaning of the phrase: It negates seventy, is unclear according to this approach, since nothing is negated, and certainly not seventy days. In fact, those commentaries have a variant text that reads only: Negates, and explain that it negates the upcoming days from his term of naziriteship (Rabbeinu Peretz; Rosh, cited in *Shita Mekubbetzet*). Yet the phrase: Since shaving cannot be performed, appears out of place here because according to this approach one shaves only at the very end, so there is not a period of less than thirty days for hair growth.

There is another interpretation that claims that if one has a son after seventy days he observes the naziriteship for his son, shaves, and brings his offerings, and afterward he observes a further thirty-day period to be able to shave his hair for his own term of naziriteship (Rambam; see *Birkat Rosh* and *Oraḥ Mishor*, who explains the Jerusalem Talmud similarly; see the note interpolated in *Tosafot* on 13b). According to this interpretation, the statement: Negates seventy, does not mean the loss of all seventy days; rather, one forfeits all the days he counted beyond the first seventy. This is in accordance with the Rambam's Commentary on the Mishna, Kapaḥ edition, which reads: Negates up to seventy. This is because he must eventually repeat all the days apart from the first seventy so that a full thirty days follow his shaving for the naziriteship for his son. The statement: Since shaving cannot be performed, is understood according to this explanation.

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גמ׳ אָמַר רַב: יוֹם שִׁבְעִים עוֹלֶה לָכָאן וּלְכָאן. תְּנַן: נוֹלַד לוֹ עַד שִׁבְעִים לֹא הִפְסִיד כְּלוּם. וְאִי סָלְקָא דַּעְתָּךְ עוֹלֶה לָכָאן וּלְכָאן – אִיתַּגּוּרֵי מִיתְגַּר! אֶלָּא, בְּדִין הוּא דְּלָא לִיתְנֵי ״עַד שִׁבְעִים״. וּמְשׁוּם דְּקָתָנֵי סֵיפָא ״אַחַר שִׁבְעִים סוֹתֵר שִׁבְעִים״. קָתָנֵי רֵישָׁא שִׁבְעִים.

GEMARA **Rav said: The seventieth day**[H] itself **counts for here and for there,** as the last of the seventy days of his term of naziriteship as well as the first day of the naziriteship for his son. The Gemara questions Rav's statement. **We learned** in the mishna: If a son is **born to him up to seventy, he has not lost anything.** This seems to include the seventieth day as well. **And if it enters your mind** that it **counts for here and for there,** not only has he not lost anything, but he even **gains** a day, so why would the mishna state: He has not lost anything? The Gemara answers: **Rather, by right** the mishna should **not** have **taught: Up to seventy** he has not lost anything, since if the son is born on the seventieth day he actually gains, as stated above, **but due to** the fact **that it is taught** in **the last clause** of the mishna: **After seventy it negates seventy,** in which case he does lose, the *tanna* therefore **teaches the first clause** with the contrasting expression: Up to **seventy** he has not lost anything.

תָּא שְׁמַע מִסֵּיפָא: נוֹלַד אַחַר שִׁבְעִים – סוֹתֵר שִׁבְעִים. מַאי ״אַחַר״ – אַחַר אַחַר.

The Gemara asks further: **Come** and **hear** a statement that contradicts Rav's opinion **from the last clause** of the mishna: If the son **is born after seventy** days, **it negates** the first **seventy** days. If, as Rav stated, one day can count for both terms, then the final day of the thirty-day term for his son also counts toward his hundred-day term, meaning that there will be thirty days remaining for a full hair growth; in that case, why should he forfeit the first days? The Gemara answers this: **What is** the meaning of: **After?** It means **after, after.** The mishna is referring to the second day after the seventieth, the seventy-second day, so that there do not remain thirty days for his hair to grow.

אֶבֶל אַחַר מַמָּשׁ מַאי – הָכִי נַמִּי דְּלָא סָתַר? אִי הָכִי, מַאי אִירְיָא דְּתָנֵי ״נוֹלַד עַד שִׁבְעִים לֹא הִפְסִיד כְּלוּם״? אֲפִילּוּ אַחַר שִׁבְעִים נַמִּי, הָא אָמְרַתְּ לֹא סָתַר! אֶלָּא, שְׁמַע מִינָּהּ: אַחַר מַמָּשׁ. וְכֵן מַתְנִיתִין לְרַב, שְׁמַע מִינָּהּ.

The Gemara asks: **But** according to this explanation, **what** would be the *halakha* if a son is born on the day that **actually** comes **after** the seventieth, the seventy-first day; **so too,** would Rav say **that it does not negate** the previous days, because he has thirty days remaining to grow his hair? **If so, why** does the *tanna* **specifically teach:** If he is **born up to seventy he has not lost anything?** The same would hold true **even** for a case where he was born on the day **after seventy as well,** as **didn't you say** that **it does not negate? Rather,** one must **learn from this** that: **After,** means the **actual** day after, the seventy-first day, **and likewise** conclude that **the mishna** is difficult **for Rav.** The Gemara concludes: Indeed, **learn from this** that the *tanna* of the mishna disagrees with Rav.

וְרַב, כְּמַאן אֲמָרָהּ לִשְׁמָעֲתֵיהּ? אִילֵימָא כְּאַבָּא שָׁאוּל, דְּתָנַן: הַקּוֹבֵר אֶת מֵתוֹ שִׁלְשָׁה יָמִים קוֹדֶם לָרֶגֶל – בָּטְלָה מִמֶּנּוּ גְּזֵירַת שִׁבְעָה,

§ The Gemara asks: **And Rav, in accordance with whose** opinion did **he say his *halakha*?** Since the *tanna* of the mishna disagrees with him, which *tanna* does he follow in ruling that one day may be counted for two different observances? **If we say** that he stated the ruling **in accordance with** the opinion of **Abba Shaul, as we learned** in the *Tosefta* (*Mo'ed Katan* 2:9): With regard to **one who buries his dead three days before a pilgrimage Festival,**[H] the rabbinic **decree of seven** days of mourning **is voided for him,** i.e., once the Festival begins, he no longer observes the prohibitions and customs of the first seven days of mourning. Since he has mourned for three days, the Festival voids the remainder of the seven days.

שְׁמֹנָה יָמִים קוֹדֶם לָרֶגֶל – בָּטְלָה מִמֶּנּוּ גְּזֵירַת שְׁלֹשִׁים, וּמוּתָּר לְסַפֵּר עֶרֶב הָרֶגֶל. וְאִם לֹא סִיפֵּר עֶרֶב הָרֶגֶל – אָסוּר לְסַפֵּר אַחַר הָרֶגֶל.

The *baraita* continues: If he buried his dead **eight days before a pilgrimage Festival,** the rabbinic **decree of** the restrictions of **thirty** days[B] of mourning **is voided for him** as well. Since he already observed one day of this type of mourning he need not complete the entire period, **and it is** therefore **permitted** for him **to cut his hair on the eve of the pilgrimage Festival** in honor of the Festival. **But if he did not cut his hair on the eve of the pilgrimage Festival, it is prohibited** for him **to cut his hair after the pilgrimage Festival,**[N] until thirty days of mourning have passed.

HALAKHA

The seventieth day – יוֹם שִׁבְעִים: If a son is born to him on the seventieth day of his term of naziriteship, he observes the term of naziriteship for his son, followed by another thirty days for the completion of his standard term of naziriteship. According to the Radbaz, the Rambam holds that the seventieth day does not count for both terms, unlike the ruling of Rav (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:3).

Three days before a pilgrimage Festival – שְׁלֹשָׁה יָמִים קוֹדֶם לָרֶגֶל: If one buries his dead within seven days of one of the three pilgrimage Festivals, his seven days of mourning are canceled at the start of the Festival, even if he has mourned for only a single hour before the Festival. Furthermore, he is considered to have already observed seven days of mourning. The Festival itself counts as seven days toward the thirty days of mourning, even though he does not mourn on the Festival itself, and therefore he is required to complete only the remainder of the thirty days after the Festival. However, if he did not observe any mourning at all before the Festival, his mourning is not canceled, and he is considered like one who buried his relative on the Festival itself. In that case the individual must observe the entire period of mourning after the conclusion of the Festival (Rambam *Sefer Shofetim*, *Hilkhot Evel* 10:3; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 548:7 and *Yoreh De'a* 399:1).

BACKGROUND

Seven days, thirty days – שִׁבְעָה, שְׁלֹשִׁים: The first seven days after the death of a close relative are days of intense mourning during which the mourner is prohibited from leaving his home, performing work, sitting on a chair of normal height, washing himself for pleasure, wearing leather shoes, or engaging in sexual relations, among other prohibitions. The thirty-day period is one in which eulogies are recited for important people (see Deuteronomy 34:8). During this period, the mourner is not allowed to wear new clothes, cut his hair, partake in festivities, or marry, nor may he repair the garment he tore as a sign of mourning. After thirty days, all mourning rites are concluded except those observed for the passing of a father or a mother. These mourning rites are not observed publicly on Shabbat, but Shabbat is counted as a day of mourning. If a Festival occurs during the seven days of mourning, the days come to an end when the Festival begins. Similarly, if a Festival occurs during the period between the end of the seven days of mourning and the end of the thirty days, the thirty-day period ends when the Festival begins.

NOTES

It is prohibited for him to cut his hair after the pilgrimage Festival – אָסוּר לְסַפֵּר אַחַר הָרֶגֶל: This prohibition remains in effect until thirty days of mourning have passed. The reason is that since he has shown a lack of concern for the honor of the Festival by failing to cut his hair to prepare for the Festival, his thirty days of mourning are not canceled entirely (*Tosafot*).

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אַבָּא שָׁאוּל אוֹמֵר: אֲפִילּוּ לֹא סִיֵּיפֵר קוֹדֶם הָרֶגֶל – מוּתָּר לְסַפֵּר אַחַר הָרֶגֶל, שֶׁכְּשֵׁם שֶׁמִּצְוַת שִׁלְשָׁה מְבַטֶּלֶת גְּזֵירַת שִׁבְעָה – כָּךְ מִצְוַת שִׁבְעָה מְבַטֶּלֶת גְּזֵירַת שְׁלֹשִׁים.

Abba Shaul says: Even if he did **not cut his hair before the pilgrimage Festival, it is permitted** for him **to cut his hair after the pilgrimage Festival.** His reasoning is **that just as** the **mitzva of three**[N] **voids** the rabbinic **decree of seven,** as was taught before; **so** the **mitzva of seven voids**[H] the rabbinic **decree of thirty.** Since he completed the observance of the seven days of mourning before the Festival, he need not observe the thirty days of mourning.

מַאי טַעְמָא דְּאַבָּא שָׁאוּל – לָאו מִשּׁוּם דְּקָסָבַר שְׁבִיעִי עוֹלֶה לְכָאן וּלְכָאן? דִּלְמָא עַד כָּאן לָא קָאָמַר אַבָּא שָׁאוּל אֶלָּא בַּאֲבֵילוּת שִׁבְעָה דְּרַבָּנַן, אֲבָל בְּנָזִיר דְּאוֹרַיְיתָא – לָא.

The Gemara asks: **What is the rationale of Abba Shaul** for his opinion that if he observed seven days of mourning before the Festival commenced the thirty-day mourning period is voided? **Isn't it because he holds** that the **seventh** day **counts for here and there,** i.e., the seventh day is considered both the end of the seven days and the start of the thirty days of mourning, so he had already begun observing his thirty days of mourning before the start of the Festival? This ruling may be the basis for the ruling of Rav. The Gemara rejects this: This does not support Rav, since **perhaps Abba Shaul was saying** his ruling that the same day counts for both here and there **only with regard to the mourning** of **seven** days, which is **by rabbinic law,**[H] **but with regard to a nazirite,** whose obligation is **by Torah law,** he would **not** say so.

אֶלָּא, רַב דְּאָמַר כְּרַבִּי יוֹסֵי. דְּתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם שֶׁשָּׁחֲטוּ וְזָרְקוּ עָלֶיהָ בַּשֵּׁנִי שֶׁלָּהּ,

Rather, Rav spoke in accordance with the opinion of **Rabbi Yosei, as it is taught** in a *baraita* that **Rabbi Yosei says: A woman who observes** a clean **day for** each **day**[B] she experiences a discharge is a woman who discharges blood for one or two days at a time when she does not expect her menstrual period. The case under discussion is one where she experienced a discharge for one day and **they slaughtered** a Paschal offering **and sprinkled** the blood **for her on her second** day, after she immersed in a ritual bath. At that point, it is unclear whether she will remain clean of discharges for the remainder of the day, in which case she is retroactively pure from the time she immersed and may eat the Paschal offering at night, or whether she will experience a discharge of blood during the day, in which case her immersion is retroactively invalid and she was impure the entire time.

וְאַחַר כָּךְ רָאֲתָה – הֲרֵי זוֹ אֵינָהּ אוֹכֶלֶת, וּפְטוּרָה מִלַּעֲשׂוֹת פֶּסַח שֵׁנִי.

And after that, she saw blood, thereby retroactively clarifying that at the time the Paschal offering was slaughtered she was unfit to partake of it. The *halakha* is that **she may not eat** from the Paschal lamb due to her ritual impurity, **but she is exempt from observing** the **second *Pesaḥ*,**[B] which is observed by those who did not sacrifice the Paschal offering on the first Pesaḥ. The reason is that since she was pure when they slaughtered the Paschal offering on her behalf, she has fulfilled the obligation of the offering, despite the fact that she became impure and was unable to eat the offering.

NOTES

That just as the mitzva of three, etc. – שֶׁכְּשֵׁם שֶׁמִּצְוַת שִׁלְשָׁה וכו׳: Just as the Rabbis agree that one who has mourned for three days before the Festival is exempt from the seven days of mourning and may bathe on the Festival, or before the Festival according to one opinion, so too, the Festival voids his partially observed thirty days of mourning (Rosh). *Tosafot* note that Abba Shaul disagrees with the Rabbis on two counts: First, he claims that the Festival voids the thirty days of mourning entirely, whether or not one cut his hair before the Festival; second, he holds that the seventh day counts for both periods.

HALAKHA

The mitzva of seven voids, etc. – מִצְוַת שִׁבְעָה מְבַטֶּלֶת וכו׳: If one buries his dead seven days before one of the three pilgrimage Festivals, Rosh HaShana or Yom Kippur, and observes mourning before the Festival, the Festival voids his thirty-day period of mourning. Even if his seventh day is the eve of the Festival, part of the day is considered like all of it, and it is therefore permitted for him to cut his hair and shower before the Festival begins. He is certainly allowed to cut his hair and shower after the Festival, in accordance with the opinion of Abba Shaul, since the *halakha* is to follow the lenient opinion with regard to mourning (Rambam *Sefer Shofetim*, *Hilkhot Evel* 10:5; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 548:8 and *Yoreh De'a* 399:3).

The mourning of seven days is by rabbinic law – אֲבֵילוּת שִׁבְעָה דְּרַבָּנַן: It is a positive mitzva by Torah law to mourn a relative on the day of death and burial. The rest of the mourning period is mandated by rabbinic law, though this is an ancient practice, dating back to Moses. This applies to the seven relatives listed by the Torah, which are a father, mother, son, daughter, brother, virgin sister, and spouse; with regard to other relatives, the entire mourning ritual is by rabbinic law (*ge'onim*; Rambam). Other early commentaries (*Tosafot*; Rosh) maintain that even the first day of mourning is by rabbinic law. The custom is not to mourn for any relative on the second Festival day of the Diaspora, and the Rema explains that this is in accordance with the opinion that even the first day of mourning is by rabbinic law (Rambam *Sefer Shofetim*, *Hilkhot Evel* 1:1; *Shulḥan Arukh*, *Yoreh De'a* 398:1, 399:13).

BACKGROUND

A woman who observes a clean day for each day – שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם: A woman is considered to be a full-fledged *zava* only if she experiences a discharge of uterine blood on three consecutive days at a time when she does not expect her menstrual period. The biblical source is the phrase: "And if a woman have an issue of her blood many days not in the time of her impurity" (Leviticus 15:25). Nevertheless, as soon as she has even one discharge, she becomes ritually impure as a lesser *zava* and may not engage in sexual intercourse. By Torah law, she needs to wait until only one day has passed without any discharge of blood, observing a clean day for each day, in order to become pure. Even if she immerses in a ritual bath before the clean day is complete, if she does not experience a discharge for the rest of the day, she is considered retroactively pure from the time of her immersion. Today it is customary for women to follow all the *halakhot* pertaining to a full-fledged *zava* whenever they have even a slight discharge of uterine blood, and they count seven full clean days without discharge before immersing.

Second *Pesaḥ* – פֶּסַח שֵׁנִי: One who was ritually impure, on a distant journey, or failed to bring the Paschal offering at its proper time on the fourteenth of Nisan may compensate by bringing the offering on the fourteenth of Iyyar. There is a tannaitic dispute as to whether one who was not obligated to bring a Paschal offering on the fourteenth of Nisan need sacrifice a Paschal offering on the fourteenth of Iyyar. All the *halakhot* that apply to the sacrifice of the Paschal offering apply to the second *Pesaḥ*, with one exception: There is no prohibition against eating or possessing leaven on that day. However, leaven may not be eaten together with the offering itself.

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מַאי טַעְמָא דְּרַבִּי יוֹסֵי – לָאו מִשּׁוּם דְּקָסָבַר מִקָּצָת הַיּוֹם כְּכוּלּוֹ? מִמַּאי? וְדִלְמָא מִשּׁוּם דְּקָסָבַר מִכָּאן וּלְהַבָּא הוּא מְטַמֵּא?

The Gemara clarifies this: **What is the rationale of Rabbi Yosei** for his opinion that she is exempt from observing the second *Pesaḥ*? **Isn't it because he holds** that the legal status of **part of the day is like** that **of an entire** day? Since she was pure for part of the day, it is considered as though she was pure the entire day. The Gemara rejects this: **From where** do you know that this is the rationale? **Perhaps** it is **because** Rabbi Yosei **holds**[N] that **one becomes impure from now and onward.** He holds that the impurity of a *zava* starts only from the moment she had a discharge of blood, but she is ritually pure up to that point, so she was ritually pure when they slaughtered the offering for her.

וּמִי סָבַר רַבִּי יוֹסֵי הָכִי?

The Gemara questions this explanation: **And does Rabbi Yosei hold** in accordance with **this** ruling that she is impure only from that moment onward?

וְהָתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: זָב בַּעַל שְׁתֵּי רְאִיּוֹת שֶׁשָּׁחֲטוּ וְזָרְקוּ עָלָיו בַּשְּׁבִיעִי, וְכֵן שׁוֹמֶרֶת יוֹם כְּנֶגֶד יוֹם שֶׁשָּׁחֲטוּ וְזָרְקוּ עָלֶיהָ, וְאַחַר כָּךְ רָאוּ, אַף עַל פִּי שֶׁמִּטַּמְּאִין מִשְׁכָּב וּמוֹשָׁב לְמַפְרֵעַ – פְּטוּרִין מִלַּעֲשׂוֹת פֶּסַח שֵׁנִי.

But isn't it taught in a *baraita* that **Rabbi Yosei says:** With regard to **a man who experiences a gonorrhea-like discharge** [*zav*] **who has had two sightings** of discharge, **for whom they slaughtered** a Paschal offering **and sprinkled** its blood **on the seventh,** and final, day of impurity, **and similarly,** with regard to **a woman who observes** a clean **day for a day, for whom they slaughtered** a Paschal offering **and sprinkled** its blood, and **afterward they saw** their respective discharges, **although they render objects designed for lying and sitting impure retroactively,**[H] **they are exempt from observing** the **second *Pesaḥ*.**[H] This is proof that Rabbi Yosei holds that their ritual impurity applies retroactively, rather than from the moment of discharge onward. It must be that the reason why they are nevertheless exempt from observing the second *Pesaḥ* is that part of the day is like the entire day, and the part of the day before they became impure, during which the blood of the Paschal offering was sprinkled for them, is considered a whole clean day.

מַאי לְמַפְרֵעַ – מִדְּרַבָּנַן. הָכִי נַמִּי מִיסְתַּבְּרָא, דְּאִי סָלְקָא דַּעְתָּךְ מִדְּאוֹרַיְיתָא – אַמַּאי פְּטוּרִין מִלַּעֲשׂוֹת פֶּסַח שֵׁנִי?

The Gemara responds to this attempted proof: **What** is the meaning of Rabbi Yosei's statement that the ritual impurity applies **retroactively?** It means that the ritual impurity applies retroactively **by rabbinic law.** However, by Torah law, the *zav* or *zava* is impure only from the time of the new sighting and onward. The Gemara adds: **So too, it is reasonable** that this is Rabbi Yosei's opinion, **as, if it enters your mind** that they become ritually impure retroactively **by Torah law, why are they exempt from observing** the **second *Pesaḥ*** if by Torah law they were impure at the time the offering was slaughtered?

לְעוֹלָם אֵימָא לָךְ טוּמְאָה דְּאוֹרַיְיתָא, תְּהוֹם דְּזִיבָה הִתִּירוּ.

The Gemara responds: This is no proof, since **actually, I** could **say to you**[N] that this retroactive **impurity** is **by Torah law,** and the reason they are exempt from observing the second *Pesaḥ* is that the Sages **permitted** impurity of **the deep of *ziva*.** The *halakha* is that in the case of a Paschal offering, an unknown impurity of the dead, called the impurity of the deep, is permitted. In a case where one brought his offering and later became aware that he had contracted impurity from a corpse, if this source of impurity was unknown to everyone, he is not required to observe the second *Pesaḥ*. The Gemara suggests that Rabbi Yosei may hold that the same *halakha* applies to the impurity of a *zava* as well: Since the owner of the offering was pure when it was brought and could not have known that she would become impure due to discharge later that day, it is similarly considered an impurity of the deep, and she has therefore fulfilled her obligation.

וְאַף רַבִּי אוֹשַׁעְיָא סָבַר לְמַפְרֵעַ מִדְּרַבָּנַן. דְּתַנְיָא, רַבִּי אוֹשַׁעְיָא אָמַר: (אֲבָל) הָרוֹאֶה זָב בַּשְּׁבִיעִי שֶׁלּוֹ סוֹתֵר אֶת שֶׁלְּפָנָיו, וְאָמַר לֵיהּ רַבִּי יוֹחָנָן: לָא נִסְתּוֹר אֶלָּא יוֹמוֹ.

§ The Gemara points out: **And even Rabbi Oshaya holds** that, according to Rabbi Yosei, the fact that a *zav* renders objects designed for sitting or lying impure **retroactively** is only **by rabbinic law** in this circumstance. **As it is taught** in a *baraita* that **Rabbi Oshaya says:** In a case of **one who sees gonorrhea-like discharge on his seventh** clean day,[H] this **negates** the clean days **that preceded it** and starts his seven days anew. **And Rabbi Yoḥanan said to him that it should negate only its own day,** i.e., he should require only one additional clean day.

NOTES

From where…perhaps it is because he holds, etc. – מִמַּאי, וְדִילְמָא מִשּׁוּם דְּקָסָבַר וכו׳: *Tosafot* read the continuation of the discussion as follows: Isn't it because he holds that part of the day is like the entire day, and she is impure only from now onward? They claim that the rule of: From now onward, cannot come into effect unless the principle of: Part of the day is like the entire day, is accepted as well, since only if she has become pure in the first part of the day can one say that the next discharge starts a new phase of ritual impurity. Therefore, in the following stage of the Gemara, when the Gemara attempts to posit that Rabbi Yosei holds that the impurity takes effect retroactively, this is a direct attack on the supposition that he holds that part of a day is like the entire day.

Actually, I could say to you, etc. – לְעוֹלָם אֵימָא לָךְ וכו׳: The conclusion of the discussion according to the version of the text brought here is that since Rabbi Yosei maintains that one renders objects impure retroactively, part of the day is therefore considered like all of it. According to *Tosafot* the opposite holds true: There is no evidence as to Rabbi Yosei's opinion with regard to the issue of part of the day being like the entire day.

HALAKHA

They render objects designed for lying and sitting impure retroactively, etc. – שֶׁמִּטַּמְּאִין מִשְׁכָּב וּמוֹשָׁב וכו׳: A *zav* or *zava* who has immersed on their seventh day should not come into contact with pure objects until the evening, because if they experience a discharge it will void their seven clean days and they will retroactively render impure any objects they lie or sit upon, but not earthenware vessels that they move, in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 5:9).

They are exempt from observing the second *Pesaḥ* – פְּטוּרִין מִלַּעֲשׂוֹת פֶּסַח שֵׁנִי: If a *zav* who saw two sightings of discharge immersed on his seventh day, the Paschal offering is slaughtered on his behalf and he may partake of it in the evening. If he had another discharge after the sprinkling of the blood, he is exempt from observing the second *Pesaḥ*. Similarly, a woman observing a clean day for a day may immerse on that day, and the Paschal offering is slaughtered on her behalf for her to eat in the evening. If she saw a discharge after its blood was sprinkled, she is exempt from observing the second *Pesaḥ*, in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:3).

One who sees gonorrhea-like discharge on his seventh clean day – הָרוֹאֶה זָב בַּשְּׁבִיעִי שֶׁלּוֹ: If a *zav* counted seven clean days and then experienced a discharge on the seventh day, it negates the entire period, and he must count another seven days. This applies even if the discharge occurred at the end of the seventh day, after his immersion. The mishna in tractate *Zavim* (1:2) rules likewise (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 3:1).

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מַה נְּפָשָׁךְ; אִי סָתַר – כּוּלְּהוּ סָתַר, אִי לָא סָתַר – לָא נִסְתּוֹר וְלָא יוֹמוֹ! אֶלָּא אֵימָא: לָא נִסְתּוֹר וְלָא יוֹמוֹ.

The Gemara expresses surprise: **Whichever way you** look at Rabbi Yoḥanan's statement, it is difficult. **If** this discharge **negates** clean days just as the case of a *zav* who had a discharge during his seven days, **it should negate all** his clean days, not only the last one. **If it does not negate** clean days, since it is not considered a discharge within his seven days but rather, as the first sighting of a new *ziva*, it should **not negate** any of it, **and not** even **its own day.** What, then, is the logic of Rabbi Yoḥanan's ruling that it negates a single day? **Rather, say** instead that Rabbi Yoḥanan said as follows: It does **not negate** at all, **and not** even **its own day,** since this discharge is considered to be the first of a new series.

Perek **II**
Daf **16** Amud **a**

NOTES

And as to Rabbi Yosei, now, he holds that the status of part of the day is like that of an entire day, etc. – וְרַבִּי יוֹסֵי מִכְּדֵי סָבַר מִקְצָת הַיּוֹם כְּכוּלּוֹ וכו׳: Although the Gemara had concluded earlier that the reason for Rabbi Yosei's ruling was not because he holds that the legal status of part of the day is like that of an entire day but because she becomes impure only from now onward, that answer is a forced one (Commentary on *Nazir*; Rabbi Avraham min HaHar, citing Rashi). However, according to the opinion of *Tosafot* that the principle that part of a day is like all of a day is consistent with the principle that she becomes impure from here onward, the Gemara's question here is readily understood (see *Tosafot* and Rabbeinu Peretz).

A full-fledged *zava* – זָבָה גְּמוּרָה: A full-fledged *zava* is a woman who has seen blood on three consecutive days, in which case she is required to observe seven clean days and bring an offering upon her purification.

The other half of the day – אִידָךְ פַּלְגֵּיהּ דְּיוֹמָא: There are two explanations for this statement. One interpretation is that even Rabbi Yosei agrees that she is at least considered ritually impure for the rest of the day on which she saw blood. However, since the legal status of part of the day is like that of an entire day, if she were to discharge blood, for example, at noon for two consecutive days, the morning hours of the second day would be considered a clean day in between the days of impurity (Rosh). Other commentaries claim that since the legal status of part of the day is like that of an entire day, there is no difference between the beginning and the end of a day, and the hours until nightfall following her impurity would be viewed as a break between discharges (see Commentary on *Nazir*; *Tosafot*). *Tosafot* state that the different approaches result partly from alternative interpretations of the phrase: The other half of the day.

Close to sunset – סָמוּךְ לִשְׁקִיעַת הַחַמָּה: In other words, she was experiencing a discharge during the entire twilight, beginning just before sunset and continuing into the start of the night. If this occurs at the end of both the first and second days, the night of the third day is also included, and she is therefore impure for three days (*Tosafot*). The commentaries point out that in that case, the hours between the discharges cannot be viewed as a clean day, even if one holds that part of the day is like all of a day, since this principle applies only to the start of the day, or, according to some opinions, the end of a day as well. The middle of a day certainly cannot be considered like all of a day (see Meiri).

וַאֲמַר לֵיהּ: רַבִּי יוֹסֵי קָאֵי כְּוָתֵיךְ, דְּאָמַר: מִכָּאן וּלְהַבָּא מְטַמֵּא. וְהָא רַבִּי יוֹסֵי לְמַפְרֵעַ הוּא דְּאָמַר! מַאי לְמַפְרֵעַ – מִדְּרַבָּנַן.

And Rabbi Oshaya **said to** Rabbi Yoḥanan: **Rabbi Yosei holds in accordance with your** opinion, **as he** too **says** that in this case one **becomes impure from now and onward,** and any impurity after the start of the seventh day does not cause him to forfeit the previous clean days. The Gemara analyzes Rabbi Oshaya's statement: **But didn't Rabbi Yosei say** that the impurity is **retroactive,** as stated above? Rather, Rabbi Oshaya must certainly hold as follows: **What is** the meaning of Rabbi Yosei's ruling that he is impure **retroactively?** It means that he is rendered impure only **by rabbinic law,** but not by Torah law.

וְרַבִּי יוֹסֵי, מִכְּדִי סָבַר מִקְצָת הַיּוֹם כְּכוּלּוֹ, זָבָה גְּמוּרָה דְּמַיְיתָא קָרְבָּן הֵיכִי מַשְׁכְּחַתְּ לָהּ? כֵּיוָן דְּחַזְיָא בְּפַלְגֵּיהּ דְּיוֹמָא – אִידָךְ פַּלְגֵּיהּ דְּיוֹמָא סְלִיק לָהּ לְשִׁימּוּר. אֵיבָעֵית אֵימָא: דְּקָא שָׁפְעָה תְּלָתָא תְּלָתָא יוֹמֵי בַּהֲדֵי הֲדָדֵי, וְאֵיבָעֵית אֵימָא: דְּחַזְיָא תְּלָתָא יוֹמֵי סָמוּךְ לִשְׁקִיעַת הַחַמָּה, דְּלָא הֲוַאי שְׁהוּת דְּסָלִיק לֵיהּ לְמִנְיָנָא.

The Gemara poses a question with regard to Rabbi Yosei's statement: **And** as to **Rabbi Yosei, now, he holds** that the status of **part of the day is like** that **of an entire** day.[N] **How can you find a full-fledged *zava*[N] who brings an offering? Since she sees** a discharge **at the midpoint of the day, the other half of the day[N] counts for her** as a full day of **observing,** as part of the day is considered to be like all of a day. The Gemara answers: **If you wish, say that** she **continuously discharges** blood for **three days consecutively. And if you wish, say that she saw** a discharge on **three** consecutive **days close to sunset.**[N] In that case she is impure on each occasion at the end of one day and the beginning of the next, so that **there was not** any **time** to become pure on the following day so as **to be included for her counting** of a clean day corresponding to an impure one.

הדרן עלך הריני נזיר

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Summary of **Perek II**

This chapter discussed the terminology used upon taking a vow of naziriteship, and highlighted how distinctions in the phrasing can render one vow binding and another invalid. If an individual declares his intention to become a nazirite and therefore will refrain from an item that is in fact not forbidden to a nazirite, his statement is treated as a standard vow of prohibition and not as a vow of naziriteship. His use of the phrase: I am hereby a nazirite, is understood to mean only that he is vowing that a particular item is forbidden to him. There are even circumstances in which one may take a vow of naziriteship with regard to wine and it will be interpreted as a standard vow of prohibition, if circumstances indicate that one was merely vowing that a particular glass of wine being offered to him would be forbidden to him.

If one vows to become a nazirite on the condition that he does not accept all of the nazirite prohibitions, his condition is disregarded and he is a full-fledged nazirite. On the other hand, if he uttered a vow of naziriteship but believed that only some of its restrictions were applicable to him, either because of ignorance or due to an assumption that the Sages would grant him a dispensation because of his unique circumstances, the vow is considered to be in error and is entirely void.

If an individual vows to become a nazirite and to bring the offerings of a nazirite, his vow obligates him to observe a term of naziriteship and to pay for the offerings of another nazirite. Should two people state such a vow, each may pay for the other's offerings. If one vows to pay for the offerings of half a nazirite, his obligations are dependent upon the precise wording of his vow. He may be obligated to pay for half the offerings of a nazirite, or he might be obligated to pay for all of the offerings. In connection with this topic, the Gemara examines cases where an individual overhears someone vowing to be a nazirite and adds: And I, or: And it is incumbent upon me. Such a person becomes a nazirite despite the brevity of his statement.

If one vows to become a nazirite when he has a son, only the birth of a son causes his naziriteship to take effect. If he vows to accept naziriteship upon the birth of a child, his vow takes effect regardless of the baby's gender, even if its genitalia make its gender indeterminate. However, the vow does not take effect if the baby is stillborn.

If one utters multiple vows to observe overlapping naziriteship terms, the term about which he vowed first takes precedence, even if he needs to interrupt the term of another vow to observe his first vow. In such a situation the days of the term that was interrupted might count toward the completion of that term or they might not, depending on how many days remain at the time of the interruption. There are similar

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halakhot that address cases in which a nazirite becomes ritually impure in the middle of one of his terms.

In connection with the possibility of impurity negating the observed days of a naziriteship term, the Gemara examines related *halakhot* and concludes that if a nazirite first becomes leprous, and then contracts impurity from the dead while he is a leper, the days of his naziriteship term that he had previously observed are not negated. Similarly, his observance of the days of his term is not negated if he became impure after having finished his term but before having brought his offerings or shaved.

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Introduction to **Perek III**

And if any man dies very suddenly beside him, and he defiles his consecrated head, he shall shave his head on the day of his purification, on the seventh day shall he shave it. And on the eighth day he shall bring two turtledoves, or two young pigeons, to the priest, to the door of the tent of meeting. And the priest shall prepare one for a sin-offering, and the other for a burnt-offering, and make atonement for him, for he sinned by the soul; and he shall sanctify his head on that day. And he shall consecrate to the Lord the days of his naziriteship, and he shall bring a lamb in its first year for a guilt-offering; but the first days shall be void because his consecration was ritually impure.

(Numbers 6:9–12)

This chapter addresses the issues that relate to the duration of the term of naziriteship and its precise end point. The main situations that require clarification are those that involve consecutive terms of naziriteship or when an individual's naziriteship is interrupted by his becoming ritually impure from contact with a corpse.

Unless otherwise specified, the length of a term of naziriteship is a full thirty days. However, if the nazirite shaves his hair on the thirtieth day of his term, he has fulfilled his obligation. The reason for this is subject to an amoraic dispute appearing in the first chapter of this tractate. The present chapter tries to determine how the days are counted when one is observing two terms one after the other, in light of the different opinions in the first chapter.

The Torah writes that if a nazirite comes into contact with a corpse, all the days he had observed until that point are negated, and he begins his naziriteship from the beginning after undergoing his purification process. This chapter discusses whether the entire term of naziriteship is negated if the individual becomes ritually impure on the last day of his term, before having shaved. Is he considered to be still within his term? Must he observe an additional term from the start?

Another situation examined in this chapter is one where a person states a vow of naziriteship while he is ritually impure. Does the obligation take effect immediately? When does his counting begin?

This chapter also discusses the *halakha* of one who takes a vow of naziriteship in one of the lands outside of Eretz Yisrael, which the Sages decreed are ritually impure. Finally, the Gemara considers a case where there are conflicting testimonies with regard to how long a naziriteship, or how many terms of naziriteship, one has vowed.

Some of the issues discussed in this chapter have been partially addressed in earlier chapters.

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מתני׳ מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״ – מְגַלֵּחַ יוֹם שְׁלֹשִׁים וְאֶחָד, וְאִם גִּילַּח לְיוֹם שְׁלֹשִׁים – יָצָא. ״הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם״. אִם גִּילַּח לְיוֹם שְׁלֹשִׁים – לֹא יָצָא.

MISHNA **One who said: I am hereby a nazirite,**[NH] without specifying how long his term of naziriteship would last, **shaves** his hair on the **thirty-first day** after the start of his naziriteship, as an unspecified term of naziriteship lasts thirty days. **And if he shaved on the thirtieth day, he has fulfilled** his obligation. If he explicitly said: **I am hereby a nazirite** for **thirty days,** then, **if he shaved on the thirtieth day, he has not fulfilled** his obligation. Since the naziriteship would have been for thirty days even without him stating: For thirty days, this addition is understood to indicate that he will observe naziriteship for a full thirty days.

מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת – מְגַלֵּחַ אֶת הָרִאשׁוֹנָה יוֹם שְׁלֹשִׁים וְאֶחָד, וְאֶת הַשְּׁנִיָּה יוֹם שִׁשִּׁים וְאֶחָד, וְאִם גִּילַּח אֶת הָרִאשׁוֹנָה יוֹם שְׁלֹשִׁים – מְגַלֵּחַ אֶת הַשְּׁנִיָּה יוֹם שִׁשִּׁים, וְאִם גִּילַּח יוֹם שִׁשִּׁים חָסֵר אֶחָד – יָצָא.

One who accepted two terms of **naziriteship**[H] **shaves** at the close of **the first** naziriteship on the **thirty-first day, and** at the close of **the second** term on the **sixty-first day.** Since his second term of naziriteship begins after shaving on the thirty-first day, the sixty-first day of the first term is the thirty-first day of his second term. **And if he shaved** for **the first** term on the **thirtieth day, he shaves** for **the second** term on the **sixtieth day,** which is the thirty-first day after the start of his second term of naziriteship. **And if he shaved** for the second term on **day sixty less one, he has fulfilled** his obligation, as this is the thirtieth day of his second term.

וְזוֹ עֵדוּת הֵעִיד רַבִּי פַּפְּיָס עַל מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת, שֶׁאִם גִּילַּח אֶת הָרִאשׁוֹנָה יוֹם שְׁלֹשִׁים – מְגַלֵּחַ אֶת הַשְּׁנִיָּה לְיוֹם שִׁשִּׁים, וְאִם גִּילַּח לְיוֹם שִׁשִּׁים חָסֵר אֶחָד – יָצָא, שֶׁיּוֹם שֶׁל שְׁלֹשִׁים עוֹלֶה לוֹ מִן הַמְנִיָּן.

And this testimony was attested to by **Rabbi Pappeyas,**[P] who heard from his teachers **with regard to one who vowed** to observe **two** terms of **naziriteship, that if he shaved** for **the first** term on the **thirtieth day, he shaves** for **the second** term **on the sixtieth day. And if he shaved** for the second term **on** the **day sixty less one, he has fulfilled** his obligation, **because the thirtieth day** of the first term of naziriteship **counts** as part **of his tally** of the second term.

מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״. נִטְמָא יוֹם שְׁלֹשִׁים – סוֹתֵר אֶת הַכֹּל, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה. ״הֲרֵינִי נָזִיר שְׁלֹשִׁים יוֹם״. נִטְמָא יוֹם שְׁלֹשִׁים – סוֹתֵר אֶת הַכֹּל. ״הֲרֵינִי נָזִיר מֵאָה יוֹם״. נִטְמָא יוֹם מֵאָה – סוֹתֵר אֶת הַכֹּל. רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שְׁלֹשִׁים. נִטְמָא יוֹם מֵאָה וְאֶחָד – סוֹתֵר שְׁלֹשִׁים יוֹם, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה.

One who said: I am hereby a nazirite, without further specification, if **he became ritually impure** through contact with a corpse on the **thirtieth day**[NH] of his term of naziriteship, **it negates the entire** tally, and he must start his naziriteship afresh. **Rabbi Eliezer says: It negates only seven**[N] days, which he must observe until his purification, after which he brings his offerings. If he said: **I am hereby a nazirite** for **thirty days,** and **he became impure** on the **thirtieth day,** everyone agrees that **it negates the entire** tally. If he said: **I am hereby a nazirite** for **one hundred days,** if **he became impure** on the **one hundredth day, it negates the entire** tally. **Rabbi Eliezer says: It negates only thirty** days, and he observes the final thirty days again. If **he became impure** on the **one hundred and first day**[H] before bringing his offerings, **it negates** only **thirty days,** but does not negate all of the observed days. **Rabbi Eliezer says: It negates only seven** days.

גמ׳ ״מִי שֶׁאָמַר הֲרֵינִי נָזִיר וְנִטְמָא יוֹם שְׁלֹשִׁים – סוֹתֵר אֶת הַכֹּל, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה״.

GEMARA The mishna taught: **One who said: I am hereby a nazirite,** and **became ritually impure** on the **thirtieth day, it negates the entire** tally; **Rabbi Eliezer says: It negates only seven.**

NOTES

One who said I am hereby a nazirite – מִי שֶׁאָמַר הֲרֵינִי נָזִיר: There is a dispute between bar Padda and Rav Mattana with regard to the source for the *halakha* that an unspecified naziriteship is for thirty days. The Gemara there (5a) cites this mishna and interprets it in accordance with both opinions.

Became ritually impure on the thirtieth day – נִטְמָא יוֹם שְׁלֹשִׁים: According to Rav Mattana's opinion that a term of naziriteship lasts for thirty days, the previous days are voided by Torah law, and he must bring the offerings of ritually impurity. Bar Padda, who maintains that as a matter of Torah law a term of naziriteship consists of only twenty-nine days, explains that the previous days are negated due to a decree of the Sages, and he does not bring the offerings of ritually impurity (*Tosafot*).

It negates only seven – אֵינוֹ סוֹתֵר אֶלָּא שִׁבְעָה: He is not considered a ritually impure nazirite, who is required to bring certain offerings after his seven days of purification and to start his naziriteship afresh. According to Rav Mattana this is because the legal status of part of the day is like that of an entire day, and he had therefore already completed his thirty-day term before becoming impure. Bar Padda explains that Rabbi Eliezer holds that the Sages did not decree that naziriteship should be for thirty days in such a case, but rather left intact the Torah law that he is considered to have completed his term after twenty-nine days.

HALAKHA

One who said I am hereby a nazirite – מִי שֶׁאָמַר הֲרֵינִי נָזִיר: One who said: I am hereby a nazirite, shaves on the thirty-first day, and if he shaved on the thirtieth day he has fulfilled his obligation. However, if he said: I am hereby a nazirite for thirty days, he may shave only on the thirty-first day (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:1).

One who accepted two terms of naziriteship – מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת: One who vowed to undertake two terms of naziriteship shaves for the first term on the thirty-first day, and for the second on the sixty-first day. If he shaved for the first vow on the thirtieth day, he shaves for the second term on the sixtieth day. If, after having shaved on the thirtieth day, he shaved on the fifty-ninth day, he has fulfilled his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:2).

Became ritually impure on the thirtieth day – נִטְמָא יוֹם שְׁלֹשִׁים: Even if a nazirite became ritually impure on the final day of his term, his entire tally is negated. He must bring the offerings of impurity and start counting his naziriteship anew, in accordance with the unattributed opinion in the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:3).

Became impure on the one hundred and first day, etc. – נִטְמָא יוֹם מֵאָה וְאֶחָד וכו׳: If a nazirite became ritually impure after the final day of his term, the day on which he brings his offerings, only thirty days are negated. How should he proceed? After completing the purification process, he brings the offerings of impurity and shaves. He then observes thirty days of naziriteship in ritual purity. Then, he shaves again and brings the offerings of a regular nazirite. This is in accordance with the unattributed mishna. The Rambam holds that becoming impure on the one hundred and first day voids part of the naziriteship by Torah law, and he is therefore obligated in the offerings of impurity. Conversely, *Tosafot* and the Rosh contend that it is a decree of the Sages, which means he does not bring the offerings of a ritually impure nazirite. The *Likkutei Halakhot* explains that in their opinion, he counts thirty days after his purification and brings the offerings of a regular nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:4).

PERSONALITIES

Rabbi Pappeyas – רַבִּי פַּפְּיָס: We know little about Rabbi Pappeyas beyond the fact that he offers firsthand testimony about the activities that took place during the Second Temple period. Almost every time he is quoted in the Mishna, *Tosefta*, and Babylonian Talmud his statements relate to the Temple and the Temple service. There is a Sage with the name Rabbi Pappeyas who is quoted in halakhic midrash as disagreeing with Rabbi Akiva, but it is likely another scholar with the same name, inasmuch as Rabbi Akiva's academy was established several generations after the destruction of the Second Temple.

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קָסָבַר רַבִּי אֱלִיעֶזֶר: כָּל אַחַר מִלְּאוֹת – שִׁבְעָה סוֹתֵר. "הֲרֵינִי נָזִיר נָזִיר שְׁלֹשִׁים יוֹם" וְנִטְמָא יוֹם שְׁלֹשִׁים – סוֹתֵר אֶת הַכֹּל. לָא פְּלִיג רַבִּי אֱלִיעֶזֶר, דְּאָמַר "שְׁלֵימִין".

The Gemara explains: **Rabbi Eliezer holds** that when **anyone** becomes ritually impure **after the completion** of his term of naziriteship, but before he brought his offerings, only **seven** days are **negated,** and the thirtieth day is after the completion of his term. The mishna then teaches that one who said: **I am hereby a nazirite** for **thirty days, and became impure** on the **thirtieth day, it negates the entire** tally. **Rabbi Eliezer does not disagree** in this case, since it is an instance **where he** explicitly **said that** he accepts naziriteship on himself for **a full** thirty days,[N] and his ritual impurity therefore occurs during his naziriteship period.

"הֲרֵינִי נָזִיר מֵאָה יוֹם" וְנִטְמָא יוֹם מֵאָה – סוֹתֵר אֶת הַכֹּל. רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֵינוֹ סוֹתֵר אֶלָּא שְׁלֹשִׁים. וְכוּלָּהּ כִּדְהָוֵינַן בָּהּ אַלִּיבָּא דְּבַר פַּדָּא וְרַב מַתָּנָא.

The mishna also taught that if one said: **I am hereby a nazirite** for **one hundred days, and he became impure** on the **one hundredth day, it negates the entire** tally. **Rabbi Eliezer says it negates only thirty. And this entire** mishna should be explained **as we discussed it, in accordance with** the opinions **of bar Padda and Rav Mattana** earlier (5a–6b).

מתני' מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, אֲפִילּוּ הָיָה שָׁם שְׁלֹשִׁים יוֹם – אֵין עוֹלִין לוֹ מִן הַמְּנָיָן, וְאֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה. יָצָא וְנִכְנַס – עוֹלִין לוֹ מִן הַמְּנָיָן, וּמֵבִיא קָרְבַּן טוּמְאָה.

MISHNA **One who took a vow of naziriteship while in a cemetery,**[H] **even if he was there** for a full **thirty days** without leaving, those days he spent in the cemetery **do not count** as part **of his tally,**[N] since his naziriteship has not yet gone into effect. **And he** therefore **does not bring** the three **offerings of impurity,**[N] brought by a nazirite when rendered ritually impure by contact with a corpse, despite having been in a cemetery. If **he left** the cemetery **and entered** it again,[H] those days **do count** as part **of his tally,**[N] meaning the naziriteship takes effect, **and he does bring the offerings of impurity** for reentering the cemetery.

רַבִּי אֱלִיעֶזֶר אוֹמֵר: לֹא בּוֹ בַּיּוֹם, שֶׁנֶּאֱמַר "וְהַיָּמִים הָרִאשֹׁנִים יִפֹּלוּ" – עַד שֶׁיִּהְיוּ לוֹ יָמִים רִאשׁוֹנִים.

Rabbi Eliezer says: This *halakha* does **not** apply to one who entered the cemetery **on the very day**[N] that he left it, **as it is stated** with regard to the *halakhot* of a ritually impure nazirite: **"But the first days shall be void"** (Numbers 6:12), which indicates that he does not bring the offerings **until he will have "first days"**[H] of purity, during which he observed his naziriteship.

גמ' אִיתְּמַר, מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, רַבִּי יוֹחָנָן אָמַר: נְזִירוּת חָלָה עָלָיו, וְרֵישׁ לָקִישׁ אָמַר: אֵין נְזִירוּת חָלָה עָלָיו. רַבִּי יוֹחָנָן אָמַר: נְזִירוּת חָלָה עָלָיו, סָבַר: מִיתְלָא תַּלְיָא וְקַיְימָא, כֵּיוָן דְּמַשְׁכְּחָא טָהֳרָה – חַיְילָא. וְרֵישׁ לָקִישׁ אָמַר: אֵין נְזִירוּת חָלָה עָלָיו, אִי הָדַר וְאָמַר – חַיְילָא עֲלֵיהּ, וְאִי לָא – לָא.

GEMARA **It was stated** that the *amora'im* disagree with regard to **one who vowed to be a nazirite** while **in a cemetery. Rabbi Yoḥanan said: Naziriteship takes effect for him,**[H] **and Reish Lakish said: Naziriteship does not take effect for him.** The Gemara clarifies their respective opinions: **Rabbi Yoḥanan,** who **said naziriteship takes effect for him, holds** that from the moment he accepts naziriteship upon himself it is **pending,** so that **when** it **is found** that he is in a state of **ritual purity** it **takes** immediate **effect.** The vow registers from when he states it, but it cannot take effect in practice as long as he stands in a ritually impure location. **And Reish Lakish said** that **naziriteship does not take effect for him** at all. Consequently, **if** he **again said** after leaving the cemetery that he accepts a vow of naziriteship, **it takes effect for him; but if** he does **not** repeat his vow, he is **not** a nazirite.

NOTES

Where he said that he accepts a full thirty days – דְּאָמַר שְׁלֵימִין: The Commentary on *Nazir* and Rabbeinu Peretz explain that this is a case where one explicitly said: A full thirty days. In such a case, he certainly may not shave before the completion of all thirty days. *Tosafot* hold that he merely said: A nazirite for thirty days. The addition of the amount of days is superfluous, as an unspecified naziriteship is for thirty days. Therefore, the use of the additional phrase: For thirty days, is viewed as if he said a full thirty days.

Do not count as part of his tally – אֵין עוֹלִין לוֹ מִן הַמְּנָיָן: The Rid writes that even though he is prohibited from shaving and drinking wine during this time, in accordance with the opinion of Rabbi Yoḥanan, those days do not count as part of his naziriteship term.

Offerings of impurity – קָרְבַּן טוּמְאָה: As detailed in the Torah (Numbers 6:10–12), a nazirite who becomes impure through contact with a corpse must bring three offerings after completing his purification process. They are two turtledoves, one as a sin-offering and one as a burnt-offering, and a sheep, brought as a guilt offering. These three offerings together are referred to as a *korban tuma*, the offerings of impurity.

Do count as part of his tally, etc. – עוֹלִין לוֹ מִן הַמְּנָיָן וכו': The days of naziriteship he observed after having left the cemetery and completing his purification process are included in his term of naziriteship. According to the unattributed opinion in the mishna, this applies even if it was only a single day. If he reenters the cemetery, he will have to bring the offerings of impurity. It does not mean that the days before reentering the cemetery will count toward the final tally of his term of naziriteship, since the subsequent ritual impurity negates all days previously counted (*Tosafot*).

The Rambam has an entirely different opinion on this mishna. He holds that since the ritual impurity of the cemetery is a lower level of impurity, which does not render a nazirite obligated to bring offerings or void the tally of the days he has counted, the mishna rules that if he reenters the cemetery after starting the observance of his naziriteship, the days he has observed in ritual purity are counted toward the final tally of his term of naziriteship. The clause: And he brings the offerings of impurity, is referring to one who became impure by a corpse, which obligates him to bring the offerings. In that case, the days counted before becoming impure would be negated.

Not on the very day – לֹא בּוֹ בַּיּוֹם: The early commentaries disagree over whether two full days of ritual purity are needed (Rambam), or if his partial observance of the second day is sufficient (*Tosafot*).

HALAKHA

One who took a vow of naziriteship while in a cemetery – מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת: If one vowed to be a nazirite while he was in a cemetery, and then stayed there for several days, this time does not count as part of the tally of his term of naziriteship. If he became ritually impure through one of the sources of ritual impurity for which a nazirite must shave and bring offerings, he does not shave or bring the offerings (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:8).

Left the cemetery and entered it again – יָצָא וְנִכְנַס: If one accepted naziriteship while in a cemetery and then left the cemetery, completed his purification process, and subsequently observed several days of his naziriteship, those days he counted in ritual purity do count as part of his tally. If he then became ritually impure by an impurity that causes the negation of his previous days of naziriteship and renders him obligated to bring the offerings of impurity, his days of purity are negated and he must shave and bring the offerings of impurity, as explained by the Gemara below (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:10).

Until he will have first days – עַד שֶׁיִּהְיוּ לוֹ יָמִים רִאשׁוֹנִים: If a nazirite became ritually impure on the first or second day of his term of naziriteship, the tally of those days is not negated. After completing his purification process and bringing the offerings of impurity, he continues to count from where he paused. If he became ritually impure on the third day or later, the days he observed are negated, and he must bring the offerings of impurity. This is in accordance with the opinion of Rabbi Eliezer, as no one disagrees with him in this matter (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:6).

Naziriteship takes effect for him – נְזִירוּת חָלָה עָלָיו: If one was in a cemetery and vowed to be a nazirite, the naziriteship takes effect, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:8).

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אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, אֲפִילּוּ הָיָה שָׁם שְׁלֹשִׁים יוֹם – אֵין עוֹלִין מִן הַמְּנָיָן, וְאֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה. קָרְבַּן טוּמְאָה הוּא דְּלָא מַיְיתֵי, הָא מֵיחַל חָיְילָא עֲלֵיהּ! אֲמַר לֵיהּ: אֵינוֹ בְּתוֹרַת טוּמְאָה וְאֵינוֹ בְּתוֹרַת קָרְבָּן.

Rabbi Yoḥanan raised an objection to the opinion of **Reish Lakish** from the mishna: **One who took a vow of naziriteship while in a cemetery, even if he was there** for a full **thirty days** without leaving, those days he spent in the cemetery **do not count** as part **of the tally,** since his naziriteship has not yet gone into effect. **And he** therefore **does not bring the offerings of impurity** despite having been in a cemetery. Rabbi Yoḥanan infers from this: **It is the offerings of impurity that he does not bring, but** as far as the issue of the naziriteship **taking effect, it does take effect for him.** Reish Lakish **said to him:** It means **he is not** included **in the law of** prohibited **ritual impurity, and** therefore **he is not** included **in the law of the offerings.** He is not a nazirite at all.

אֵיתִיבֵיהּ: מִי שֶׁהָיָה טָמֵא וְנָזַר – אָסוּר לְגַלֵּחַ וְלִשְׁתּוֹת יַיִן וְלִיטַּמֵּא לַמֵּתִים. וְאִם גִּילַּח וְשָׁתָה יַיִן וְנִטְמָא לַמֵּתִים – הֲרֵי זֶה סוֹפֵג אֶת הָאַרְבָּעִים. אִי אָמְרַתְּ בִּשְׁלָמָא חָיְילָא – הַיְינוּ טַעֲמָא דְּסוֹפֵג אֶת הָאַרְבָּעִים, אֶלָּא אִי אָמְרַתְּ לֹא חָיְילָא – אַמַּאי סוֹפֵג אֶת הָאַרְבָּעִים?

Rabbi Yoḥanan **raised an objection to** the opinion of Reish Lakish from what was taught in a *baraita* (*Tosefta* 2:14): **One who was impure and took a vow of naziriteship**[NH] must still observe the *halakhot* of a nazirite: He is **prohibited from shaving, and from drinking wine, and from becoming impure from a corpse. And if he shaved, or** if he **drank wine, or** if **he became impure from a corpse, he incurs** [*sofeg*][L] **the forty** lashes administered to one who actively transgresses a negative Torah prohibition. Rabbi Yoḥanan asks: **Granted, if you say** that naziriteship **takes effect** despite his ritual impurity, **that is the reason that he incurs the forty** lashes, similar to any nazirite who transgresses the prohibitions of naziriteship. **But if you say** the naziriteship **does not take effect** while he is ritually impure, **why does he incur the forty** lashes?

NOTES

One who was impure and took a vow of naziriteship – מִי שֶׁהָיָה טָמֵא וְנָזַר: The early commentaries prove from here that there is no difference between one who vowed to be a nazirite while in a cemetery and one who did so while in a state of ritual impurity from a corpse, as the Gemara is attempting to bring a proof from one to the other.

HALAKHA

One who was impure and took a vow of naziriteship – מִי שֶׁהָיָה טָמֵא וְנָזַר: If one took a vow of naziriteship while he was ritually impure from a corpse, the naziriteship takes effect. Therefore, if he became impure again, drank wine, or shaved, he is liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:7).

LANGUAGE

Incurs [*sofeg*] – סוֹפֵג: From the Greek σπόγγος, *spongos*, meaning sponge. The word *sefog*, from the root *shin, fey, gimmel*, meant something that absorbs liquids, and was later extended to refer to anything that can absorb something else, whether to absorb financially or, in this case, to absorb the impact of the flogging.

Perek **III**
Daf **17** Amud **a**

הָכָא בְּמַאי עָסְקִינַן – בְּיוֹצֵא וְנִכְנָס.

Reish Lakish responded: **With what are we dealing here** in this *baraita*? **With one who left and entered,** meaning that after having left the cemetery and purifying himself, he then vowed again to be a nazirite and subsequently reentered the cemetery.

אֵיתִיבֵיהּ: אֵין בֵּין טָמֵא שֶׁנָּזַר לְנָזִיר טָהוֹר שֶׁנִּטְמָא, אֶלָּא: טָמֵא שֶׁנָּזַר – שִׁבְעִי שֶׁלּוֹ עוֹלֶה לוֹ לִמְנָיָן, וְנָזִיר טָהוֹר שֶׁנִּטְמָא – אֵין שִׁבְעִי שֶׁלּוֹ עוֹלֶה לוֹ לִמְנָיָן. וְאִי סָלְקָא דַּעְתָּךְ לָא חָיְילָא – אַמַּאי עוֹלֶה לוֹ מִן הַמְּנָיָן?

Rabbi Yoḥanan **raised** another **objection to** Reish Lakish's opinion from a different source: **The difference between a ritually impure**[H] person **who took a vow of naziriteship and a ritually pure nazirite who became impure is only** the following *halakha*: If **a ritually impure** person **took a vow of naziriteship, his seventh** day of purification **counts** as part **of his tally**[N] of his term of naziriteship, since he starts counting his term of naziriteship as soon as he becomes pure. **But** with regard to **a ritually pure nazirite who became impure, his seventh** day of purification **does not count** as part **of his tally.** Rather, he starts counting his days of naziriteship from the following day, which is the day on which he brings his offerings. **And if it enters your mind** that a vow of naziriteship stated while ritually impure **does not take effect, why** does the *baraita* state that the seventh day **counts** as part **of his tally,** indicating that the naziriteship takes effect without a need for him to restate his vow?

אֲמַר מָר בַּר רַב אַשִׁי: מֵיחַל – כּוּלֵּי עָלְמָא לָא פְּלִיגִי דְּחָיְילָא, אֶלָּא כִּי פְּלִיגִי – לְמַלְקֵי; רַבִּי יוֹחָנָן סָבַר: כֵּיוָן דְּחָיְילָא – לָקֵי, וְרֵישׁ לָקִישׁ סָבַר: לָא לָקֵי, וְחָיְילָא.

As a result of this question, the Gemara offers a different interpretation of their dispute. **Mar bar Rav Ashi said:** The dispute between Rabbi Yoḥanan and Reish Lakish is not as stated above. With regard to the question of the vow of naziriteship **taking effect, everyone agrees that** it **takes effect** from the moment of his acceptance of naziriteship, even if he was in the cemetery. **Rather, when they disagree** it is with regard **to being flogged,**[N] as follows: **Rabbi Yoḥanan holds** that **since** the vow **takes effect, he is** therefore **flogged** for becoming impure, **and Reish Lakish holds that he is not flogged** for becoming impure, **but** the vow **does take effect** with regard to the prohibitions of naziriteship.

HALAKHA

The difference between a ritually impure, etc. – אֵין בֵּין טָמֵא וכו': If one took a vow of naziriteship while ritually impure, the seventh day of his purification process counts as part of the tally of his term of naziriteship. However, a ritually pure nazirite who became impure starts his counting only from the eighth day (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:7).

NOTES

His seventh day counts as part of his tally – שִׁבְעִי שֶׁלּוֹ עוֹלֶה לוֹ: Since he does not have to bring an offering on the eighth day, the legal status of part of the seventh day is like a that of full day, and he can therefore begin counting his naziriteship from the seventh day of his purification (Commentary on *Nazir*). Although he does not become completely ritually pure until sunset, the ritual impurity of one who has already immersed himself is weak and does not prevent his naziriteship from taking effect (*Tosafot*).

When they disagree is with regard to being flogged – כִּי פְּלִיגִי לְמִילְקֵי: Most commentaries hold that the disagreement between Rabbi Yoḥanan and Reish Lakish is only with regard to whether a nazirite is flogged for becoming ritually impure from a corpse, and Reish Lakish agrees that a nazirite is flogged if he shaved or drank wine (*Tosafot*; Rosh). Some suggest that according to Reish Lakish the naziriteship only takes effect by rabbinic decree, and he would not be flogged for violating any of the prohibitions. However, the corresponding discussion in tractate *Nedarim* indicates that this opinion is incorrect (Rabbeinu Peretz; Rabbeinu Todros).

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אֵיתִיבֵיהּ רַבִּי יוֹחָנָן לְרֵישׁ לָקִישׁ: מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, אֲפִילּוּ הָיָה שָׁם שְׁלֹשִׁים יוֹם – אֵין עוֹלִין לוֹ מִן הַמִּנְיָן, וְאֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה. קָרְבַּן טוּמְאָה הוּא דְּלָא מַיְיתֵי, הָא מִילְקֵי לָקֵי עֲלֵיהּ!

According to this version of the dispute as well, **Rabbi Yoḥanan raised an objection to Reish Lakish** from the mishna, which states: **One who took a vow of naziriteship while in a cemetery, even if he was there** for a full **thirty days** without leaving, those days he spent in the cemetery **do not count** as part **of his tally,** since his naziriteship has not yet gone into effect. **And he** therefore **does not bring the offerings of impurity,** despite having been in a cemetery. Rabbi Yoḥanan infers from this: **It is the offerings of impurity** that **he does not bring, but** he is **flogged for** contracting impurity, which is not in accordance with the opinion of Reish Lakish.

בְּדִין הוּא דְּלִיתְנֵי ״אֵינוֹ לוֹקֶה״. אֶלָּא מִשּׁוּם דְּקָא בָּעֵי לְמֵיתְנָא סֵיפָא ״יָצָא וְנִכְנַס עוֹלֶה לוֹ מִן הַמִּנְיָן, וּמֵבִיא קָרְבַּן טוּמְאָה״ – תְּנָא רֵישָׁא ״אֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה״.

The Gemara answers: This inference is not correct, as **by right** the mishna **should teach: He is not flogged, but due to** the fact that the *tanna* **wants to teach the latter clause** of the mishna, which states: If **he left** the cemetery **and entered** it again, those days **do count** as part **of his tally,** meaning the naziriteship takes effect, **and he does bring the offerings of impurity** for reentering the cemetery, the *tanna* therefore **taught** a similar phrasing in **the first clause** of the mishna: **He does not bring the offerings of impurity,** so this should not be seen as an indication that he is not flogged.

תָּא שְׁמַע: אֵין בֵּין טָמֵא שֶׁנָּזַר לְנָזִיר טָהוֹר שֶׁנִּטְמָא, אֶלָּא שֶׁטָּמֵא שֶׁנָּזַר – שְׁבִיעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמִּנְיָן, וְנָזִיר טָהוֹר שֶׁנִּטְמָא – אֵין שְׁבִיעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמִּנְיָן. הָא לְמַלְקוֹת – זֶה וְזֶה שָׁוִין! אָמַר לֵיהּ: לָא, לְתִגְלַחַת זֶה וְזֶה שָׁוִין.

The Gemara suggests another proof in support of Rabbi Yoḥanan's opinion. **Come** and **hear** a proof from another *baraita*: **The difference between an impure** person **who took a vow of naziriteship and a pure nazirite who became impure is only** the following *halakha*: **That** in the case of **an impure** person **who took a vow of naziriteship, his seventh** day of purification **counts** as part **of his tally** of the term of naziriteship. **But** in the case of **a pure nazirite who became impure, his seventh** day of purification **does not count** as part **of his tally.** The Gemara infers: **But with regard to flogging, this** nazirite **and that** nazirite **are equal.** Reish Lakish **said to** Rabbi Yoḥanan: This is **not** a correct inference; rather, it is with regard **to shaving** on the seventh day of purification that **this** nazirite **and that** nazirite **are equal,**[N] since even a ritually impure person who took a vow of naziriteship must shave on that day.

אֲבָל לְעִנְיַן מַלְקוֹת מַאי – זֶה לוֹקֶה וְזֶה אֵינוֹ לוֹקֶה? לֵיתְנֵיהּ! בְּתַקַּנְתֵּיהּ קָא מַיְירֵי, בְּקִלְקוּלֵיהּ לָא קָא מַיְירֵי.

The Gemara asks: **But** in that case, according to Reish Lakish, **what** is the *halakha* **with regard to flogging? This** nazirite **is flogged, and that** nazirite, who was ritually impure when he vowed, **is not flogged?** If so, **let him teach this** difference as well; why does the *baraita* state that there is only one difference between them? The Gemara answers: This *baraita* **is speaking of his remedy;**[N] **it is not speaking of** a matter that is **detrimental to him.** Consequently the *baraita* does not discuss a nazirite's punishments and discusses only the means by which he can resume his observance of naziriteship.

תָּא שְׁמַע: מִי שֶׁהָיָה טָמֵא וְנָזַר – אָסוּר לְגַלַּח וְלִשְׁתּוֹת יַיִן, וְאִם גִּילַּח וְשָׁתָה יַיִן וְנִטְמָא לַמֵּתִים – הֲרֵי זֶה סוֹפֵג אֶת הָאַרְבָּעִים! תִּיּוּבְתָּא.

The Gemara further suggests: **Come** and **hear** a proof from that which is taught in a *baraita* (*Tosefta* 2:14): **One who was ritually impure and took a vow of naziriteship** must still observe the *halakhot* of a nazirite. He is **prohibited from shaving and from drinking wine. And if he shaved, or** if **he drank wine, or** if **he became ritually impure from a corpse, he incurs the forty** lashes administered to one who actively transgresses a negative Torah prohibition. The Gemara concludes: This is **a conclusive refutation**[N] of the opinion of Reish Lakish, as explained by Mar bar Rav Ashi.

בָּעֵי רָבָא: נָזִיר וְהוּא בְּבֵית הַקְּבָרוֹת, מַהוּ? בָּעֵי שְׁהִיָּיה לְמַלְקוֹת אוֹ לָא?

§ After concluding that one who takes a vow of naziriteship while in a cemetery is liable to receive lashes, **Rava asks: What is** the *halakha* if one took a vow to be **a nazirite while** standing **in a cemetery:** Is it **necessary** that his exit from the cemetery be **delayed** for a specific period of time for him to become liable **to** receive **lashes,**[N] just as one who becomes ritually impure while in the Temple is receives lashes only if he remains there for a specific period of time, **or** is it **not** necessary?

NOTES

With regard to shaving, this and that are equal – לְתִגְלַחַת זֶה וְזֶה שָׁוִין: The Commentary on *Nazir* understands this to be saying that just as a nazirite who became ritually impure must shave his hair on the seventh day of his purification process, so too one who took a vow of naziriteship while ritually impure must shave on the seventh day of his purification process before reaccepting his naziriteship. Although the Gemara later proves that this is not so, the Gemara here is not concerned with that proof, since this explanation of Reish Lakish is entirely discounted anyway (*Tosafot*).

Alternatively, this means that is they are both liable to receive lashes if they shave during their days of ritual impurity. *Tosafot* question this explanation because then the *baraita* should have mentioned that they are equal with regard to being flogged for drinking wine as well. The Rosh answers that shaving is merely an example of a nazirite prohibition, and the *baraita* means that they are equal with regard to being subject to being flogged for drinking wine as well.

Speaking of his remedy, etc. – בְּתַקַּנְתֵּיהּ קָא מַיְירֵי וכו': The *baraita* is discussing the conditions that will enable his naziriteship to take effect, rather than the transgressions that render the nazirite liable to receive lashes (Commentary on *Nazir*). *Tosafot* explain that the phrase: His remedy, is referring to one who became ritually impure unwittingly, whereas the phrase: Detrimental to him, is referring to one who became ritually impure purposefully, and is therefore liable to receive lashes. The Rosh states that this *baraita* does not discuss transgressions, but rather the fulfillment of the mitzvot of naziriteship in their proper manner.

A conclusive refutation – תִּיּוּבְתָּא: The Gemara cannot answer, as it did before, that the *baraita* is discussing one who left the cemetery and reentered, because this *baraita* mentions both ritual impurity and shaving, and according to Mar bar Rav Ashi, even Reish Lakish agrees that one who shaved or drank wine before leaving the cemetery is flogged (*Tosafot*).

Is it necessary that his exit be delayed to be liable to receive lashes – בָּעֵי שְׁהִיָּיה לְמַלְקוֹת: The Gemara is suggesting that one who becomes a nazirite while in a cemetery will be flogged only if he stays in place for as long as it takes to prostrate oneself, as is the *halakha* with regard to one who became ritually impure while in the Temple. The Meiri theorizes that the time requirement discussed in this case may differ from that of impurity in the Temple. *Tosafot* similarly suggest that the relevant period of time here may be the time it takes to leave and reenter the cemetery (*Shevuot* 17a). The reason for the comparison between the two cases is that in both situations contracting impurity occurs after one has entered a state or place of purity, either by vowing to be a nazirite or by physically entering the Temple, as will become clear from the conclusion of the Gemara here. It is therefore reasonable to assume that the nazirite should also be granted sufficient time to leave the cemetery before he is liable to receive lashes.

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הֵיכִי דָּמֵי? אִילֵימָא דְּאָמְרִי לֵיהּ ״לֹא תִּינְזוֹר״ – לָמָּה לִי שְׁהִיָּיה? נָזִיר מַאי טַעֲמָא לָא בָּעֵי שְׁהִיָּיה – דְּקָא מַתְרֵי בֵּיהּ, הָכָא נַמִי – קָא מַתְרֵי בֵּיהּ!

The Gemara clarifies: **What are the circumstances** in which this question is relevant? **If we say that they said to him** in warning: **Do not take a vow of naziriteship** in the cemetery, and he ignored their warning and took a vow of naziriteship, **why do I** need him to **delay** his exit? **What is the reason** that one who was already **a nazirite** when he entered a cemetery **does not need to delay** his exit in order to be liable to receive lashes? **Because they warn him** not to enter, and if he enters he has transgressed a prohibition and is flogged. **Here too, they warn him** not to take the vow, and he should therefore be liable to receive lashes if he does take the vow.

Perek **III**
Daf **17** Amud **b**

אֶלָּא כְּגוֹן שֶׁנִּכְנַס בִּשְׁיִדָּה תֵּיבָה וּמִגְדָּל, וּבָא חֲבֵירוֹ וּפָרַע מֵעָלָיו מַעֲזִיבָה.

Rather, Rava's question should be understood to refer to a case **where** one **entered** the cemetery **in a chest, box, or cabinet,**[B] i.e., in large wooden containers that do not contract ritual impurity. One can enter a cemetery in such a container without becoming impure. If one was carried into a cemetery inside one of these containers, then took a vow of naziriteship, **and another came and removed**[N] **the top** [*ma'aziva*][L] **from above him,**[NH] he would become ritually impure by virtue of being in the cemetery.

כִּי גְּמִירִין שְׁהִיָּיה – בְּבֵית הַמִּקְדָּשׁ, אֲבָל אַבָּרָאי – לָא, אוֹ דִּלְמָא לָא שְׁנָא? תֵּיקוּ.

If he was then warned to leave the cemetery, the question is as follows: **When we learned**[H] by tradition that one is liable to receive lashes for **delaying** his exit, does that apply only **to the Temple, but outside** the Temple, such as when a nazirite is in a cemetery, does the *halakha* **not** apply, so that he is liable to receive lashes even if he did not delay his exit? **Or perhaps it is not different,** and a nazirite in a cemetery is flogged only if he remains there for a specific period of time. The dilemma **shall stand** unresolved.

בָּעֵי רַב אַשִׁי: נָזַר וְהוּא בְּבֵית הַקְּבָרוֹת, טָעוּן גִּילּוּחַ אוֹ לֹא? כִּי בָּעֵי תִּגְלַחַת – טָהוֹר שֶׁנִּטְמָא, דְּקָא מְטַמֵּא לִנְזִירוּתֵיהּ, אֲבָל טָמֵא שֶׁנָּזַר – לָא, אוֹ דִּלְמָא לָא שְׁנָא?

§ **Rav Ashi raises a dilemma:** If **one took a vow of naziriteship while in a cemetery,** is he **required to shave** upon becoming ritually pure, before starting his term of naziriteship, **or not?** The Gemara explains the two sides of the question: **When** a ritually impure nazirite **is required to shave** before starting his tally, does that refer only to **a ritually pure** nazirite **who became impure, who has defiled his naziriteship? But a ritually impure** person **who** only **took a vow of naziriteship,** and whose naziriteship has not yet begun, is he **not** obligated to shave? **Or perhaps it is not different.**

תָּא שְׁמַע: מִי שֶׁנָּזַר וְהוּא בְּבֵית הַקְּבָרוֹת, אֲפִילּוּ הָיָה שָׁם שְׁלֹשִׁים יוֹם – אֵינוֹ עוֹלֶה לוֹ מִן הַמִּנְיָן, וְאֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה. קָרְבַּן טוּמְאָה הוּא דְּלָא מַיְיתֵי, אֲבָל גַּלּוּחֵי – בָּעֵי! מַה טַּעַם קָאָמַר; מַה טַּעַם אֵינוֹ מֵבִיא קָרְבַּן טוּמְאָה – מִשּׁוּם דְּלָא בָּעֵי גַּלּוּחֵי.

The Gemara suggests: **Come** and **hear** a proof from the mishna: **One who took a vow of naziriteship while in a cemetery, even if he was there** for a full **thirty days** without leaving, those days he spent in the cemetery **do not count** as part **of his tally,** since his naziriteship has not yet gone into effect, **and he** therefore **does not bring the offerings of impurity.** The Gemara infers from this: **It is the offerings of impurity** that **he does not bring, but he is required to shave.** The Gemara rejects this proof: It is possible that the mishna **is saying: What is the reason,** as follows: **What is the reason** that **he does not bring the offerings of impurity? Because he does not require shaving.** This indicates that the naziriteship has not yet begun, therefore, he does not bring the offerings either.

BACKGROUND

Chest [*shidda*], box [*teiva*], or cabinet [*migdal*] – שִׁידָּה תֵּיבָה וּמִגְדָּל: The difference between these terms is not clarified by the early commentaries. Based on the few sources that do explain them, it seems that the *teiva* was a simple box with a covering or a door on the top. The *shidda*, however, was more complex, with several drawers. The *migdal*, apparently similar to what is now called a cabinet, was a box whose height was greater than its width with doors on its front.

NOTES

And another came and removed – וּבָא חֲבֵירוֹ וּפָרַע: This deals only with one who became ritually impure forcibly, through the actions of another. If the nazirite removed the cover himself, or asked another to do so, and was warned against it, he is certainly liable to receive lashes even if he does not delay his exit from the cemetery (*Tosafot*).

Removed the top [*ma'aziva*] from above him – וּפָרַע מֵעָלָיו מַעֲזִיבָה: Many question the precise scenario described in the Gemara, as being in an uncovered box inside a cemetery does not cause one to become ritually impure. Therefore, some commentaries explain that the word *ma'aziva* is referring to opening the bottom of the box, which causes the ritual impurity of the cemetery to penetrate from below (Rabbi Avraham min HaHar; Rosh). Others explain that the cover was removed when both he and the box were inside an enclosure together with a corpse, which would render him ritually impure. However, some commentaries maintain that it means he removed the cover from a grave while the box was within a handbreadth of it, rendering the occupant of the box ritually impure (see *Nusḥa'ot HaRivan* and Rashash).

LANGUAGE

Top [*ma'aziva*] – מַעֲזִיבָה: The word *ma'aziva* usually refers to the portion of material in the roof used to seal the holes in the roofing and to seal the room against rain. In the days of the Talmud, the *ma'aziva* was made of a combination of fine reeds and mud.

With regard to the source of the word, some contend that its meaning is connected to fixing and assistance. Here the meaning was expanded to include an upper covering for other objects as well.

HALAKHA

Removed the top from above him – וּפָרַע מֵעָלָיו מַעֲזִיבָה: If a nazirite entered a cemetery in a chest, box, or cabinet, and another came and removed the top so that the nazirite became ritually impure, he is not liable to receive lashes even if he delays his exit from the cemetery. The Ra'avad disagrees, and holds that the Gemara's dilemma only concerns the issue of whether or not he must delay his exit in order to be liable to receive lashes, and one who does delay his exit is certainly flogged. The Radbaz suggests that when the Rambam rules that he is not flogged, he is referring to a case where the nazirite was not warned (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 6:9; see 5:18).

When we learned, etc. – כִּי גְּמִירִין וכו': If a nazirite unwittingly entered a cemetery or a room with a corpse, and after realizing where he was, he was warned that he was in violation of a Torah prohibition by remaining there, if he remains in the place he is liable to receive lashes. This applies only if he delayed his exit long enough to prostrate himself, similar to the *halakha* of a person who becomes ritually impure in the Temple (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 5:19).

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HALAKHA

His days of confirmed leprosy, etc. – יְמֵי חֲלוּטוֹ וכו׳: If a nazirite became a confirmed leper, none of his days as a leper, nor the seven days he must count after his purification, are included in his term of naziriteship. However, the period when he is quarantined in order to determine if he is a leper does count toward his term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:9).

NOTES

With regard to his days of confirmed leprosy, which do not negate the previous days – בִּימֵי חֲלוּטוֹ שֶׁאֵינוֹ מְבַטֵּל אֶת הַקּוֹדְמִין: The Gemara is referring to one who undertook a lengthy term of naziriteship. He continues to count the remaining days of his term even after having shaved due to his leprosy (Commentary on *Nazir*). If it was a regular term of naziriteship, he would be required to remain a nazirite for long enough to complete thirty days of hair growth after shaving. The early commentaries note that the *halakha* that his days of confirmed leprosy do not negate his previous days of naziriteship, which is stated as obvious here, is derived by the Gemara below (44a) from a verse, which teaches that only the ritual impurity imparted by a corpse negates his previous days; no other kind of ritual impurity does so (*Tosafot*).

Just as a nazirite who was in the grave – וּמַה נָּזִיר בַּקֶּבֶר: The reason why the Gemara tries to derive the *halakha* from the unusual case of one who takes a vow of naziriteship while in a cemetery is because in a regular case of a ritually impure nazirite, his shaving serves to negate the previous days and therefore it cannot be a source for the *halakha* of a nazirite who became a confirmed leper. By contrast, the shaving of a nazirite who took his vow in a cemetery enables him to observe his naziriteship in ritual purity, and still his days before becoming purified do not count as part of his tally. This can serve as a source to teach that his days as a leper, in which the shaving that he does is not related to his naziriteship, should likewise not be counted as part of his term of naziriteship (Rabbeinu Peretz).

תָּא שְׁמַע: אֵין בֵּין טָמֵא שֶׁנָּזַר לְנָזִיר טָהוֹר שֶׁנִּטְמָא אֶלָּא: טָמֵא שֶׁנָּזַר – שְׁבִיעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמְּנָיָן, וְנָזִיר טָהוֹר שֶׁנִּטְמָא – אֵין שְׁבִיעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמְּנָיָן. מַאי לָאו, הָא לְתִגְלַחַת – זֶה וְזֶה שָׁוִין? לָא, הָא לְמַלְקוֹת זֶה וְזֶה שָׁוִין.

Come and hear a proof from another *baraita*: **The difference between a ritually impure** person **who took a vow of naziriteship and a ritually pure nazirite who became impure is only** the following *halakha*: With regard to **an impure** person **who took a vow of naziriteship, his seventh** day of purification **counts** as part **of his tally** of the term of naziriteship, **but** with regard to **a pure nazirite who became impure, his seventh** day of purification **does not count** as part **of his tally.** The Gemara infers: **What, is it not** so that **with regard to shaving, this and that are equal,** and he must shave in either case? The Gemara rejects this: **No,** there is a different inference: **It is with regard to flogging** that **this and that are equal,** but one who took a vow of naziriteship while in a cemetery does not have to shave.

אֲבָל תִּגְלַחַת מַאי – זֶה מְגַלֵּחַ, וְזֶה אֵינוֹ מְגַלֵּחַ? לֵיתְנֵיהּ. תְּנָא שְׁבִיעִי שֶׁלּוֹ, וְכָל מִילֵּי.

The Gemara questions this answer: **But what** is the *halakha* concerning **shaving?** Does **this** one, who became ritually impure, **shave, and that** one, who vowed while in a cemetery, **not shave?** If so, **let him teach this** difference as well. The Gemara answers: The *tanna* **taught: His seventh day, and all matters** relevant to it, including the *halakha* of shaving. Once it says that the seventh day is part of the tally of the ritually impure nazirite who became pure, it can be inferred that he does not bring the offerings of impurity on the eighth day, and therefore he does not shave on the seventh day.

תָּא שְׁמַע: אֵין לִי אֶלָּא יְמֵי טוּמְאָתוֹ שֶׁאֵין עוֹלִין לוֹ מִן הַמְּנָיָן, יְמֵי חֲלוּטוֹ מִנַּיִן? וְדִין הוּא: מַה יְמֵי טוּמְאָתוֹ מְגַלֵּחַ וּמֵבִיא קָרְבָּן – אַף יְמֵי חֲלוּטוֹ מְגַלֵּחַ וּמֵבִיא קָרְבָּן, וּמַה יְמֵי טוּמְאָתוֹ אֵין עוֹלִין לוֹ מִן הַמְּנָיָן – אַף יְמֵי חֲלוּטוֹ אֵין עוֹלִין לוֹ מִן הַמְּנָיָן!

The Gemara further suggests: **Come and hear** a proof from the following *baraita*: **I have** derived **only that** a nazirite's **days of ritual impurity do not count** as part **of his tally; from where** do I derive that **his days of confirmed** leprosy,[H] in a case where a nazirite became a leper during his term, do not count toward his tally of naziriteship? **And** it would seem that **by right** it should be so: **Just as** at the end of **his days of ritual impurity** the nazirite **shaves and brings offerings, so too** at the end of **his days of confirmed** leprosy the *halakha* is that he **shaves and brings offerings** for his leprosy. **And** this comparison can be extended: **Just as the days of his ritual impurity do not count** as part **of his tally, so too his days of confirmed** leprosy **do not count** as part **of his tally.**

לֹא, אִם אָמַרְתָּ בִּימֵי טוּמְאָתוֹ – שָׁכֵן מְבַטֵּל בָּהֶן אֶת הַקּוֹדְמִין, לְפִיכָךְ אֵין עוֹלִין לוֹ מִן הַמְּנָיָן, תֹּאמַר בִּימֵי חֲלוּטוֹ שֶׁאֵינוֹ מְבַטֵּל אֶת הַקּוֹדְמִין, לְפִיכָךְ עוֹלִין לוֹ מִן הַמְּנָיָן.

The *baraita* continues: **No, if you say** so **with regard to his days of ritual impurity,** in that case it is **because with them, the previous** days of his naziriteship observed in ritual purity **are negated. Therefore,** those days **do not count** as part **of his tally.** But will **you say** the same **with regard to his days of confirmed** leprosy, **which do not negate the previous** days?[N] If thirty days, enough time for his hair to regrow, remain in his term of naziriteship after becoming purified from his leprosy, the days before he contracted leprosy are not negated. It is **therefore** possible to argue that **they do count** as part **of his tally.**

אָמַרְתָּ: וּמַה נָּזִיר בַּקֶּבֶר, שֶׁשְּׂעָרוֹ רָאוּי לְתִגְלַחַת – אֵין עוֹלִין לוֹ מִן הַמְּנָיָן, יְמֵי חֲלוּטוֹ שֶׁאֵין רָאוּי לְתִגְלַחַת – לֹא כָּל שֶׁכֵּן שֶׁאֵין עוֹלִין לוֹ מִן הַמְּנָיָן?

The *baraita* continues: But **you can say** that **just as** with regard to **a nazirite** who was **in the grave,**[N] i.e., a cemetery, **whose hair is fit for shaving,** those days spent in the cemetery **do not count** as part **of his tally, his days of confirmed** leprosy, **which are not fit for** counting as part of the tally required for the **shaving,** since he must first shave as part of the purification process for his leprosy, is it **not all the more so that they do not count** as part **of his tally?** This concludes the *baraita*.

מַאי לָאו תִּגְלַחַת טוּמְאָה? לָא, תִּגְלַחַת טָהֳרָה. הָכִי נַמִּי מִסְתַּבְּרָא,

The Gemara now attempts to prove from the *baraita* that one who took a vow of naziriteship while in a cemetery must shave at the close of his process of purification: **What, is it not** so that when the *baraita* mentions shaving, it is referring to **the shaving of impurity,** and it is teaching that one who took a vow of naziriteship in a cemetery must shave at the end of his purification process? The Gemara rejects this: **No,** it is referring to **the shaving of purity,** meaning the shaving done after one completes his term of naziriteship. He then will shave all of his hair, including that which grew during the time he was ritually impure due to his presence in the cemetery. The Gemara adds: **So, too, it is reasonable** to say that this is the correct interpretation,

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דְּאִי סָלְקָא דַּעְתָּךְ תִּגְלַחַת טוּמְאָה – יְמֵי חִלּוּטוֹ מִי לָא בָּעֵי תִּגְלַחַת? לָא, תִּגְלַחַת דְּנְזִירוּת קָתָנֵי.

as if it enters your mind to say that the *baraita* is discussing the **shaving** done as a result of the nazirite's **impurity,** and contrasts a nazirite with a leper, do the end of a leper's **days of confirmed** leprosy **not require shaving?** A leper must shave when he is purified from his condition, so how can he be described as unfit for shaving? Rather, the *baraita* must be referring to the nazirite's shaving of purity, as suggested above (17b). The Gemara rejects this: **No,** it could be that the *baraita* is discussing the shaving done as a result of the nazirite's impurity, and when it states that a leper is unfit for shaving, the *baraita* **is teaching** about the **shaving of naziriteship,** and the *baraita* is stating that a leper is unfit for any shaving of a nazirite, since he must first shave for his leprosy.

תָּא שְׁמַע: ״וְטִמֵּא רֹאשׁ נִזְרוֹ״ – בְּטָהוֹר שֶׁנִּטְמָא הַכָּתוּב מְדַבֵּר, שֶׁהוּא טָעוּן הַעֲבָרַת שֵׂעָר וַהֲבָאַת צִיפֳּרִין, וְלִפְטוֹר אֶת הַנָּזִיר בַּקֶּבֶר – שֶׁאֵין טָעוּן הַעֲבָרַת שֵׂעָר וַהֲבָאַת צִיפֳּרִין.

The Gemara suggests another proof to answer the question of whether one who vows naziriteship while in a cemetery must shave upon undergoing purification. **Come** and **hear** a *baraita*: The verse states: "**And he defiles his consecrated head,** he shall shave his head on the day of his purification, on the seventh day shall he shave it" (Numbers 6:9). The *baraita* explains: **The verse is speaking of a ritually pure** nazirite **who became impure,**[H] **who requires hair removal and the bringing of birds** as offerings. And this verse comes **to exempt a nazirite** who vowed while **in the grave,**[H] i.e., a cemetery, **that he does not require hair removal and the bringing of birds.**

וַהֲלֹא דְּבָרִים קַל וָחוֹמֶר: וּמַה טָּהוֹר שֶׁנִּטְמָא – טָעוּן הַעֲבָרַת שֵׂעָר וַהֲבָאַת צִיפֳּרִין, מִי שֶׁהָיָה טָמֵא מִתְּחִלָּה אֵינוֹ דִּין שֶׁיְּהֵא טָעוּן הַעֲבָרַת שֵׂעָר וַהֲבָאַת צִיפֳּרִין?

The *baraita* continues its analysis of this *halakha*. For one might have explained differently: **And are** these **matters,** the ruling that such a nazirite is exempt, **not** inferred with an ***a fortiori* inference** to reach the opposite conclusion: **Just as a** nazirite who was **pure** from the outset and **who** subsequently **became impure requires hair removal and the bringing of birds,** if **one was impure from the outset,** as he took a vow of naziriteship while in a cemetery, **is it not logical that he should require hair removal and the bringing of birds?**

תַּלְמוּד לוֹמַר ״וְטִמֵּא רֹאשׁ נִזְרוֹ״ – בְּמִי שֶׁהָיָה טָהוֹר וְנִטְמָא הַכָּתוּב מְדַבֵּר, שֶׁיְּהֵא טָעוּן הַעֲבָרַת שֵׂעָר וַהֲבָאַת צִיפֳּרִין, וְלִפְטוֹר אֶת הַנָּזִיר בַּקֶּבֶר. שְׁמַע מִינָּהּ.

Therefore **the verse states: "And he defiles his consecrated head,"** indicating that **the verse speaks** only **of one who was a pure** nazirite **and** later **became impure,** and **that** only **he requires hair removal and the bringing of birds. And** the verse serves **to exempt the nazirite** who vowed while **in** a place of **a grave,** who was ritually impure from the outset. The Gemara concludes: **Learn from this** that a nazirite who was ritually impure from the outset does not have to shave; this answers the question of Rav Ashi.

מַאן תְּנָא הָא, דְּתָנוּ רַבָּנַן: אֵין בֵּין טָמֵא שֶׁנָּזַר לְנָזִיר טָהוֹר שֶׁנִּטְמָא, אֶלָּא שֶׁטָּמֵא שֶׁנָּזַר שִׁבְעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמְּנָיָן, וְנָזִיר טָהוֹר שֶׁנִּטְמָא אֵין שִׁבְעִי שֶׁלּוֹ עוֹלֶה לוֹ מִן הַמְּנָיָן?

§ After resolving the question, the Gemara discusses additional *halakhot* involving a ritually impure person who took a vow of naziriteship. **Who** is the *tanna* who **taught this** *baraita* **that the Sages taught** in the previous discussion: **The difference between an impure** person **who took a vow of naziriteship**[N] **and a pure nazirite who became ritually impure is only** the following *halakha*: **That** with regard to **an impure** person **who took a vow of naziriteship, his seventh** day of purification **counts**[H] as part **of his tally** of the term of naziriteship. **But** with regard to **a pure nazirite who became impure, his seventh** day of purification **does not count** as part **of his tally.**

אָמַר רַב חִסְדָּא: רַבִּי הִיא, דְּאָמַר רַבִּי: אֵין נְזִירוּת טָהֳרָה חָלָה אֶלָּא עַד שְׁמִינִי. דְּאִי תֵּימָא רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה הִיא – הָאָמַר נְזִירוּת דְּטָהֳרָה מִשְּׁבִיעִי הוּא דְּחָיְילָא.

Rav Ḥisda said: It is the opinion of **Rabbi** Yehuda HaNasi, **as Rabbi** Yehuda HaNasi **said: Naziriteship of purity takes effect only from the eighth day.** When a nazirite becomes impure during his term, he begins to count his term of observing naziriteship in purity only on the day following his purification. **For if you say it** follows the opinion of **Rabbi Yosei, son of Rabbi Yehuda, didn't he say** that the **naziriteship of purity takes effect from the seventh** day of his purification process?

HALAKHA

The verse is speaking of a ritually pure nazirite who became impure – בְּטָהוֹר שֶׁנִּטְמָא הַכָּתוּב מְדַבֵּר: If a nazirite became ritually impure through contact with a corpse, whether intentionally, unwittingly, or even against his will, all of his previous days of naziriteship are negated. He must perform the shaving of ritual impurity and bring the offerings of impurity before he starts counting his naziriteship anew (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:3).

To exempt a nazirite who vowed while in the grave – וְלִפְטוֹר אֶת הַנָּזִיר בַּקֶּבֶר: If a person took a vow of naziriteship while in a cemetery and became ritually impure there, he does not shave or bring the offerings of impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:8).

His seventh day counts, etc. – שְׁבִיעִי שֶׁלּוֹ עוֹלֶה לוֹ וכו׳: If one vowed to be a nazirite while in a state of ritual impurity, once he has received the sprinkling of the ashes of the red heifer and has immersed himself on the seventh day, that day counts as the first day of his naziriteship term. However, a ritually pure nazirite who contracted impurity only begins counting anew from the eighth day of his purification process. The *halakha* follows Rabbi Yehuda HaNasi when he has a dispute with his colleagues (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:7).

NOTES

The difference between an impure person who took a vow of naziriteship, etc. – אֵין בֵּין טָמֵא שֶׁנָּזַר וכו׳: Although there are other significant differences between them, since a nazirite who became impure must shave and bring offerings while an impure person who took a vow of naziriteship does not need to do so, by stating that the seventh day counts toward the tally for one who was ritually impure from the outset, the *tanna* indicates that he is also exempt from shaving and from bringing the offerings, as explained in the Gemara earlier (17b).

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מַאי רַבִּי וּמַאי רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה. דְּתַנְיָא: ״וְקִדַּשׁ אֶת רֹאשׁוֹ בַּיּוֹם הַהוּא״ – בְּיוֹם הֶבָאַת קָרְבְּנוֹתָיו, דִּבְרֵי רַבִּי. רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: בְּיוֹם תִּגְלַחְתּוֹ.

The Gemara clarifies: **What is** the statement of **Rabbi** Yehuda HaNasi, **and what is** the statement of **Rabbi Yosei, son of Rabbi Yehuda,** that Rav Ḥisda referred to? **As it is taught** in a *baraita*: The verse states with regard to a ritually impure nazirite who underwent the purification rite: **"And he shall sanctify his head on that day"** (Numbers 6:11). This means that he renews the sanctity of his hair growth, i.e., begin observing his naziriteship in purity, **on the day of the bringing of his offerings,** the eighth day of his purification. This is **the statement of Rabbi** Yehuda HaNasi. **Rabbi Yosei, son of Rabbi Yehuda, says:** This means that he renews the sanctity of his hair growth **on the day of his shaving,** the seventh day of his purification.

וְהָא דְּתָנֵן: נָזִיר שֶׁנִּטְמָא טוּמְאוֹת הַרְבֵּה אֵינוֹ מֵבִיא אֶלָּא קָרְבָּן אֶחָד, מַאן תְּנָא? אֲמַר רַב חִסְדָּא: רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה הִיא, דְּאָמַר: נְזִירוּת טְהֳרָה מִשְּׁבִיעִי חָיְילָא. וּמַשְׁכַּחַתְּ לָהּ כְּגוֹן שֶׁנִּטְמָא בַּשְּׁבִיעִי וְחָזַר וְנִטְמָא בַּשְּׁבִיעִי, (וּמַנִּי – רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה הִיא); כֵּיוָן דְּלֹא יָצָא שָׁעָה רְאוּיָה לְהָבִיא קָרְבָּן – אֵינוֹ חַיָּיב אֶלָּא קָרְבָּן אֶחָד.

§ The Gemara cites a related *halakha*: **And that which we learned** in a mishna (*Karetot* 9a): If **a nazirite became impure** by contracting **many** consecutive **impurities,**[H] **he brings only one** set of **offerings. Who taught** that? **Rav Ḥisda said: It is Rabbi Yosei, son of Rabbi Yehuda, who said** the **naziriteship of purity takes effect from the seventh** day of his purification process. **And you find this,** that he contracts ritual impurity several times consecutively, in a case **where he became ritually impure on the seventh** day **and,** after undergoing the purification process, **again became ritually impure on the seventh** day. **And whose** opinion is it? **It is** that of **Rabbi Yosei, son of Rabbi Yehuda. Since** the **appropriate time to bring an offering had not** yet **arrived,** as all agree that his offerings are only brought on the eighth day, if he became ritually impure a second time **he is obligated** to **bring only one** set of **offerings.**

דְּאִי תֵּימָא רַבִּי הִיא, אִי דְּנִטְמָא בַּשְּׁבִיעִי וְחָזַר וְנִטְמָא בַּשְּׁבִיעִי, (וְחָזַר וְנִטְמָא בַּשְּׁבִיעִי) – כּוּלְּהוּ טוּמְאָה אֲרִיכְתָּא הִיא. וְאִי דְּנִטְמָא בַּשְּׁמִינִי, וְחָזַר וְנִטְמָא בַּשְּׁמִינִי – הֲרֵי יָצְתָה שָׁעָה שֶׁרְאוּיָה לְהָבִיא קָרְבָּן.

For if you say it follows the opinion of **Rabbi** Yehuda HaNasi, how can this mishna be explained? **If** it deals with a nazirite **who became ritually impure on the seventh** day, **and,** after undergoing the purification process, **again became ritually impure on the seventh** day, **and,** after undergoing the purification process, **again became ritually impure on the seventh** day, Rabbi Yehuda HaNasi would hold that **all these** impurities **are** in fact one **long ritual impurity,** because he never reached the eighth day, which would renew his observance of naziriteship in ritual purity, so the mishna would not refer to this as a case of multiple impurities. **And if** the mishna is referring to a nazirite **who became ritually impure on the eighth** day **and,** after undergoing the purification process, **again became ritually impure on the eighth** day, the **appropriate time to bring an offering had** already **arrived,** and if he becomes ritually impure at that stage, it is not viewed as a continuation of the previous ritual impurity, and he is obligated to bring another set of offerings.

מַאי טַעֲמָא דְּרַבִּי? אָמַר קְרָא ״וְכִפֶּר עָלָיו מֵאֲשֶׁר חָטָא עַל הַנָּפֶשׁ״ וַהֲדַר ״וְקִדַּשׁ אֶת רֹאשׁוֹ״. וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה: אִם כֵּן לֵימָא קְרָא ״וְקִדֵּשׁ אֶת רֹאשׁוֹ״.

The Gemara clarifies the dispute between Rabbi Yehuda HaNasi and Rabbi Yosei, son of Rabbi Yehuda: **What is the reason for Rabbi** Yehuda HaNasi's ruling that he begins counting only from the eighth day? The Gemara answers: **The verse states:** "And the priest shall prepare one for a sin-offering, and the other for a burnt-offering, **and make atonement for him, for he sinned by the soul"** (Numbers 6:11), **and** the same verse **again** states immediately afterward: **"And he shall sanctify his head."** This shows that the naziriteship of purity commences only after he has brought his offerings. **And Rabbi Yosei, son of Rabbi Yehuda,** says in response: **If so,** if the verse intended to teach us that his naziriteship starts only on the eighth day, **let the verse** merely **state: "And he shall sanctify his head,"** since that phrase addresses the bringing of his offerings, which is on the eighth.

HALAKHA

A nazirite became impure by contracting many impurities – נָזִיר שֶׁנִּטְמָא טוּמְאוֹת הַרְבֵּה: A nazirite who became ritually impure by contracting many impurities is obligated to bring only one set of offerings, even if he was warned each time he contracted impurity (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 6:15).

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״בַּיּוֹם הַהוּא״ לָמָּה לִי? אִם אֵינוֹ עִנְיָן לַשְּׁמִינִי, תְּנֵהוּ עִנְיָן לַשְּׁבִיעִי. וְרַבִּי נַמִי, הָכְתִיב ״בַּיּוֹם הַהוּא״! אָמַר לָךְ רַבִּי: הַהוּא לְהָכִי הוּא דְּאָתָא, לוֹמַר לְךָ: אַף עַל פִּי שֶׁלֹּא הֵבִיא קָרְבְּנוֹתָיו.

Why do I need the extra phrase **“on that day”** (Numbers 6:11)? This teaches that **if it does not** apply **to the matter** of the **eighth**[N] day, since the verse is speaking of that day anyway, **apply it to the matter of** the **seventh** day, so that “on that day” means the day when he becomes ritually purified, even before he brings his offerings. The Gemara asks: **And** according to **Rabbi** Yehuda HaNasi **also, isn’t it written “on that day”?** What *halakha* does he derive from these additional words? The Gemara answers: **Rabbi** Yehuda HaNasi could have **said to you: That** verse **comes for this** purpose, **to tell you** that **even though he did not** yet **bring his offerings,** he starts counting his naziriteship of purity from the eighth day. This is derived from the verse’s emphasis of: “And he shall sanctify his head on that day,” indicating that it depends on the day itself, rather than the bringing of the offerings.

וְרַב חִסְדָּא, מַאי דְּאוֹחְקֵיהּ לְאוֹקְמֵיהּ כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה? לוֹקְמֵהּ כְּגוֹן דְּנִטְמָא דְּחַזְיָא בְּלֵיל שְׁמִינִי, וְרַבִּי הִיא!

The Gemara asks: **And what forced Rav Ḥisda to establish** this mishna **in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda? Let him establish it** as referring to a case **where** one **became impure by seeing,** i.e., contracting, impurity **on the night** preceding **the eighth**[N] day each time. Even according to Rabbi Yehuda HaNasi, the naziriteship of purity begins at the start of, presumably the night preceding, the eighth day. Therefore, this case will be one of a nazirite contracting ritual impurity many times. Nevertheless, the nazirite will be obligated to bring only one set of offerings for all of them, because each case of ritual impurity occurred at night, when he is unable to bring the offerings for his previous ritual impurity, as offerings can be brought only during the day. **And** therefore **it is** in accordance with the opinion of **Rabbi** Yehuda HaNasi.

מִדְּלָא מוֹקִים לָהּ כְּרַבִּי, לֵימָא קָסָבַר לֵילְיָא לָאו מְחוּסַּר זְמָן הוּא?

The Gemara suggests: **Since he did not establish it in accordance with** the opinion of **Rabbi** Yehuda HaNasi in this way, **shall we say that** Rav Ḥisda **holds** that **night is not** considered **premature?** In other words, although he cannot in practice bring his offerings until the morning, as the Temple service was performed only in the daytime, the night is not considered a premature time, but rather it is viewed as part of the day in which it is appropriate to bring his offerings. Consequently, the *halakha* of one who becomes ritually impure on the night preceding the eighth day is the same as that of one who contracted ritual impurity on the eighth day itself, and they are both required to bring an additional set of offerings.

NOTES

If it does not apply to the matter of the eighth – אִם אֵינוֹ עִנְיָן לַשְּׁמִינִי: The exegetic method of: If it does not apply to the matter, does not propose to link two unrelated matters. Rather, it applies one verse to a similar matter whose *halakha* is not explicit in the Torah. In this case, some commentaries understand that the derivation that “on that day” refers to the seventh day is due to the fact that these words seem superfluous (*Tosafot*; Rabbeinu Peretz). Others explain that this should be understood as an application of the exegetic principle: One restrictive expression after another restrictive expression serves to amplify, as the verse says “on that day,” which is a restriction, after already having stated that he must start counting from that day, another restriction. The double restriction therefore comes to include the seventh day (*Tosafot*; Rosh; Rabbeinu Peretz).

One became impure by seeing impurity on the night preceding the eighth – דְּנִטְמָא דְּחַזְיָא בְּלֵיל שְׁמִינִי: The word seeing is problematic in this context, as the only type of ritual impurity relevant to a nazirite is ritual impurity contracted by coming into contact with or close proximity to a corpse, and the word seeing, in the context of ritual impurity, is referring to one who experiences a ritually impure discharge. The early commentaries have offered various explanations for the usage of this term. The Commentary on *Nazir* states that the quotation is taken in its entirety from the parallel discussion in tractate *Karetot* (8a) that refers to the ritual impurity of a *zava*, where the term is entirely appropriate.

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אֲמַר רַב אַדָּא בַּר אַהֲבָה: הָא בְּהָא תַּלְיָא; אִי אָמְרַתְּ לֵילְיָא מְחוּסַּר זְמָן, אֵימַת מֵיחֲזֵי לְקָרְבָּן – לְצַפְרָא, נְזִירוּת נַמִּי לָא חָיְילָא עַד צַפְרָא. וְאִי אָמְרַתְּ לֵילְיָא אֵינוֹ מְחוּסַּר זְמָן – נְזִירוּת טָהֳרָה חָיְילָא מֵאוֹרְתָא.

Rav Adda bar Ahava said: This conclusion is incorrect, as even if Rav Ḥisda holds that the night is considered to be premature, he could not establish the mishna in accordance with the opinion of Rabbi Yehuda HaNasi, as the offerings and his new term of naziriteship **depend on each other: If you say night is** considered **premature, when is** he **fit to** bring his **offerings?** Only **in the morning.** Accordingly, **naziriteship also does not take effect until the morning. And if you say night is not** considered **premature,** and he is already obligated in his offerings at night, in that case **naziriteship of purity takes effect from the evening,** which means that the ritual impurity he suffered at night renders him obligated to bring an additional set of offerings. Consequently, the mishna does not follow the opinion of Rabbi Yehuda HaNasi, whether night is considered premature or not, and nothing can be inferred from here with regard to Rav Ḥisda's opinion in that matter.

גּוּפָא, נִטְמָא בַּשְּׁבִיעִי וְחָזַר וְנִטְמָא בַּשְּׁבִיעִי – אֵינוֹ מֵבִיא אֶלָּא קָרְבָּן אֶחָד. נִטְמָא בַּשְּׁמִינִי וְחָזַר וְנִטְמָא בַּשְּׁמִינִי – מֵבִיא קָרְבָּן עַל כָּל אֶחָד וְאֶחָד. מַתְחִיל וּמוֹנֶה מִיָּד, דִּבְרֵי רַבִּי אֱלִיעֶזֶר,

§ The Gemara cites a *baraita* (*Tosefta* 4:8) concerning **the** matter of a nazirite who contracted ritual impurity many times **itself:**[N] If a nazirite became impure, and then **became impure on the seventh** day of his purification process, **and again became impure on the** following **seventh** day of his purification process, **he brings only one** set of **offerings.** If **he became impure on the eighth** day, **and again became impure on the** following **eighth** day, **he brings** a set of **offerings for each and every** time he became impure. Nevertheless, he **begins counting** his ritually pure naziriteship **immediately**[N] on the eighth day, even if he has not yet brought his offerings. This is **the statement of Rabbi Eliezer.**

וַחֲכָמִים אוֹמְרִים: קָרְבָּן אֶחָד עַל הַכֹּל, עַד שֶׁיָּבִיא חַטָּאתוֹ. הֵבִיא חַטָּאתוֹ וְנִטְמָא, וְהֵבִיא חַטָּאתוֹ וְנִטְמָא – מֵבִיא קָרְבָּן עַל כָּל אֶחָד וְאֶחָד. הֵבִיא חַטָּאתוֹ וְלֹא הֵבִיא אֲשָׁמוֹ – מוֹנֶה.

And the Rabbis say: If he had not yet brought his offerings on the eighth day when he became impure, it is considered one long period of ritual impurity, and he brings **one** set of **offerings for all** the times he became impure, **until he has brought his sin-offering**[H] at the end of his period of ritual impurity. It is only then that he can begin counting his next term of naziriteship. Therefore, if he **brought his sin-offering and** then **became impure, and** again **brought his sin-offering and** then again **became impure, he brings** a set of **offerings for each and every one. If he brought his sin-offering and did not** yet **bring his guilt-offering,** he begins to **count**[H] his term of naziriteship in ritual purity.

רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: כְּשֵׁם שֶׁחַטָּאתוֹ עִיכְּבָתּוֹ – כֵּן אֲשָׁמוֹ מְעַכְּבוֹ.

Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: Just as not bringing **his sin-offering precludes him** from starting his naziriteship in ritual purity, **so** too, not bringing **his guilt-offering precludes him** from starting his naziriteship in ritual purity, and if he became impure again before he brought his guilt-offering, he only brings one set of offerings for all his impurities.

בְּשֶׁלָּמָּא לְרַבִּי אֱלִיעֶזֶר, אָמַר קְרָא ״וְקִדַּשׁ אֶת רֹאשׁוֹ בַּיּוֹם הַהוּא״ – אַף עַל פִּי שֶׁלֹּא הֵבִיא קָרְבְּנוֹתָיו. וְרַבָּנַן: ״הַהוּא״ – אַף עַל פִּי שֶׁלֹּא הֵבִיא אֲשָׁמוֹ.

After having quoted the *baraita*, the Gemara proceeds to analyze the three opinions: **Granted, according to Rabbi Eliezer,** his reason is that **the verse states: "And he shall sanctify his head on that day"** (Numbers 6:11), which indicates: **Even though he has not brought his offerings,** the eighth day determines the start of his ritually pure naziriteship. **And the Rabbis** agree that the phrase "on **that** day" is extra, and it teaches that he begins counting from that day **even though he has not brought his guilt-offering,** but he does not begin counting until after bringing his sin-offering.

אֶלָּא רַבִּי יִשְׁמָעֵאל: ״הַהוּא״ לָמָּה לִי? אָמַר לָךְ: ״הַהוּא״ – אַף עַל פִּי שֶׁלֹּא הֵבִיא עוֹלָתוֹ. וְרַבָּנַן: עוֹלָה לָא בָּעֵי מִיעוּטָא, דּוֹרוֹן בְּעָלְמָא הוּא.

But according to **Rabbi Yishmael, why do I** need the phrase "on **that** day"? According to his opinion the issue depends on the offerings, not the day. The Gemara answers: Rabbi Yishmael could have **said to you:** The phrase "on **that** day" teaches that he can begin counting **even though he has not brought his burnt-offering,** as he agrees that not bringing the burnt-offering does not preclude him from counting his naziriteship. **And the Rabbis** respond to this: **A burnt-offering does not require a limitation** in the text to teach that its omission does not preclude the start of his naziriteship in ritual purity, since **it is merely a gift** and not part of his atonement process.

NOTES

The matter itself – גּוּפָא: The early commentaries are puzzled by the use of this term, which is usually used to indicate that the Gemara is returning to analyze in detail a *baraita* or mishna that was previously cited in passing. In this case the *baraita* now discussed was not quoted earlier at all. For this reason, some early commentaries (see Commentary on *Nazir* and *Tosafot*) emend the text and replace this term with: The Sages taught. However, the Rosh and others point out that the language of *Nazir* is peculiar in many respects, and it is possible that the standard text is correct, and the word here is used to mean that the Gemara is returning to analyze the topic mentioned earlier, even though this *baraita* was not quoted.

He begins counting immediately – מַתְחִיל וּמוֹנֶה מִיָּד: The Commentary on *Nazir* explains that this is referring to the eighth day, since Rabbi Eliezer holds that the time that his ritually pure naziriteship begins is dependent on the start of the day on which he can bring his offerings, rather than the bringing of the offerings in actuality. However, *Tosafot* and many other early commentaries question this explanation, since Rabbi Eliezer stated in the mishna (16b) that one is obligated to bring offerings for impurity only if he had observed more than one day of ritually pure naziriteship. If he became impure immediately after starting to count on the eighth day, he would not incur an obligation to bring an additional set of offerings. Consequently, they explain that this means that he begins counting his naziriteship on the seventh day, so that his seventh day and part of the eighth are considered his first days. Some early commentaries (see *Shita Mekubbetzet*) emend the text to read: This is the statement of Rabbi Yehuda HaNasi. This would fit with Rabbi Yehuda HaNasi's earlier opinion that he begins counting at the start of the eighth day.

HALAKHA

Until he has brought his sin-offering – עַד שֶׁיָּבִיא חַטָּאתוֹ: A nazirite who became ritually impure many times is obligated to bring only one set of offerings. This applies only if he became ritually impure the second time before he brought the sin-offering for his first instance of ritual impurity. If he contracts ritual impurity after he had already brought his sin-offering, even if he had yet to bring his guilt-offering and burnt-offering, he must bring a second set of offerings for his ritual impurity, in accordance with the opinion of the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:15).

If he brought his sin-offering and did not yet bring his guilt-offering, he begins to count – הֵבִיא חַטָּאתוֹ וְלֹא הֵבִיא אֲשָׁמוֹ מוֹנֶה: A nazirite who became ritually impure begins counting his term of naziriteship afresh from the moment he brings his sin-offering. His guilt-offering and burnt-offering are not indispensable to the start of his new term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:12–13).

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מַאי טַעֲמַייהוּ דְּרַבָּנַן? דְּתַנְיָא: ״וְהִזִּיר לַה׳ אֶת יְמֵי נִזְרוֹ וְהֵבִיא כֶּבֶשׂ בֶּן שְׁנָתוֹ לְאָשָׁם״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁמָּצִינוּ שֶׁכָּל אַשָּׁמוֹת שֶׁבַּתּוֹרָה שֶׁהֵן מְעַכְּבִין, יָכוֹל אַף זֶה מְעַכְּבוֹ,

The Gemara explains: **What is the reason of the Rabbis** for ruling that only refraining from bringing his sin-offering precludes the start of his new count of naziriteship? **As it is taught** in a *baraita*: The verse states with regard to a nazirite who became ritually impure: **“And he shall consecrate to the Lord the days of his naziriteship, and he shall bring a lamb in its first year for a guilt-offering”** (Numbers 6:12). **What does this teach?** Doesn’t he wait to begin the days of his naziriteship until after he has brought all of his offerings? Rather, **since we have found that all guilt-offerings that are** mentioned **in the Torah**[H] **are indispensable** for atonement, and before he has brought his guilt-offering he is forbidden from partaking of any sacred offerings, one **might** have thought that not having brought **this** guilt-offering **also precludes him** from counting his ritually pure naziriteship,

HALAKHA

All guilt-offerings that are mentioned in the Torah – כָּל אַשָּׁמוֹת שֶׁבַּתּוֹרָה: All guilt-offerings in the Torah are indispensable for one’s atonement, apart from that of a nazirite, as ruled by the Rabbis (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:11).

Perek **III**
Daf **19** Amud **a**

תַּלְמוּד לוֹמַר ״וְהִזִּיר...וְהֵבִיא״ – אַף עַל פִּי שֶׁלֹּא הֵבִיא – הִזִּיר. רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָה אוֹמֵר: ״וְהִזִּיר...וְהֵבִיא״. אֵימָתַי הִזִּיר – בְּזְמַן שֶׁהֵבִיא.

the verse therefore **states: “And he shall consecrate** to the Lord the days of his naziriteship, **and he shall bring**[N] a lamb in its first year for a guilt-offering,” indicating: **Even though he has not brought** his guilt-offering **he has** nevertheless **consecrated** his days for the start of a new term of **naziriteship.** The opinion of **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka,** is as follows: **The verse states: “And he shall consecrate** to the Lord the days of his naziriteship, **and he shall bring,”** which means: **When has he consecrated** his days of **naziriteship,** i.e., when does his new term of naziriteship begin? It begins **when he has** already **brought** his guilt-offering.

HALAKHA

A woman who vowed to be a nazirite, etc. – אִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וכו׳: If a woman who vowed to be a nazirite became ritually impure during her term of naziriteship, and afterward her husband heard of her vow and nullified it, she brings her offerings of impurity. The implication of this statement of the Rambam is that she brings all three of them: A sin-offering, a guilt-offering, and a burnt-offering. The *Mishne LaMelekh* explains that this is because the Gemara concludes (22a) that a husband severs the vow from that point onward, so her vow was in force at the time she became ritually impure (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 9:11).

מַאן תְּנָא לְהָא, דְּתָנוּ רַבָּנַן: אִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וְנִטְמְאָה, וְאַחַר כָּךְ הֵפֵר לָהּ בַּעְלָהּ – מְבִיאָה חַטַּאת הָעוֹף, וְאֵינָהּ מְבִיאָה עוֹלַת הָעוֹף?

The Gemara poses a question: **Who** is the *tanna* who **taught**[N] **this that the Sages taught:** With regard to **a woman who vowed to be a nazirite**[H] **and became ritually impure,**[N] leading her to designate a bird for a sin-offering, a bird for a burnt-offering, and a sheep for a guilt-offering, **and afterward her husband nullified** her vow of naziriteship **for her, she brings the bird sin-offering and she does not bring the bird burnt-offering?**

NOTES

The verse states: And he shall consecrate and he shall bring – תַּלְמוּד לוֹמַר וְהִזִּיר...וְהֵבִיא: Since the verse mentions the resumption of his naziriteship before it mentions the bringing of his offering, his naziriteship of purity resumes before he brings his guilt-offering (Commentary on *Nazir*).

Who taught, etc. – מַאן תְּנָא וכו׳: The Commentary on *Nazir* explains: Which *tanna* found it necessary to state that a woman whose vow of naziriteship was nullified before she violated it does not have to bring a burnt-offering? It is only Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, who holds that the burnt-offering is an integral part of a nazirite’s offerings, and he therefore holds that it is necessary for the *baraita* to teach that the burnt-offering need not be brought after the naziriteship has been nullified by the husband. Since the Rabbis hold that this burnt-offering is merely a gift, she certainly will not have to bring it in this case.

Conversely, *Tosafot* and others explain that according to Rabbi Yishmael, the very fact that the burnt-offering is an important part of the nazirite offerings is the reason why she cannot bring it, for she is no longer obligated in the offerings of a nazirite, so the bird is not consecrated. According to the Rabbis, by contrast, since the burnt-offering is a gift and is not integral to the naziriteship, there is no reason why she should not offer it even after her naziriteship has been nullified. The Commentary on *Nazir* also cites this opinion as an alternative explanation.

Who vowed to be a nazirite and became ritually impure – שֶׁנָּדְרָה בְּנָזִיר וְנִטְמְאָה: *Tosafot*, the Rosh, and many other commentaries explain that this *baraita* is discussing the case of a woman who had already designated her offerings before her husband nullified her naziriteship, and the question is whether she is required to, or even can, bring them after his nullification. If she had not designated her offerings, she certainly is not obligated to bring any of them. The *Keren Ora* cites an opinion mentioned by *Tosafot* and the Ran in tractate *Nedarim* (83a) that she is obligated to bring a sin-offering even if she had not yet designated it.

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אֲמַר רַב חִסְדָּא: רַבִּי יִשְׁמָעֵאל הִיא.

Rav Ḥisda said: It is the opinion of **Rabbi Yishmael,** son of Rabbi Yoḥanan ben Beroka. According to the opinion of the Rabbis, the burnt-offering is a gift, and she would bring it despite the fact that her naziriteship was nullified. According to Rabbi Yishmael, the burnt-offering is part of the atonement process, and since her naziriteship was nullified, there is no longer a need for atonement.

מַאי קָסָבַר? אִי קָסָבַר בַּעַל מְיָעֵקַר עָקַר – חַטַּאת הָעוֹף נַמִּי לָא לַיְיתֵי, אִי קָסָבַר בַּעַל מֵיגַּו גַּיְיז – עוֹלַת הָעוֹף נַמִּי לַיְיתֵי! לְעוֹלָם קָסָבַר בַּעַל מְיָעֵקַר עָקַר, וְרַבִּי יִשְׁמָעֵאל סָבַר לָהּ כְּרַבִּי אֶלְעָזָר הַקַּפָּר.

The Gemara asks: **What does he hold? If he holds** that the **husband uproots** a vow entirely when he nullifies it, and she is considered not to have vowed at all, **she should not bring the bird sin-offering,** as she was never a nazirite, and she does not need atonement. Conversely, **if he holds** that the **husband severs** the vow from that point onward, but it did take effect beforehand, **she should also bring the bird burnt-offering,** as she requires atonement for becoming impure while she was a nazirite. The Gemara answers: **Actually, he holds** that the **husband uproots** the vow, **and** why is she obliged to bring a sin-offering? **Rabbi Yishmael holds in accordance with** the opinion of **Rabbi Elazar HaKappar.**[N]

דְּתַנְיָא, רַבִּי אֶלְעָזָר הַקַּפָּר בְּרַבִּי אוֹמֵר: מַה תַּלְמוּד לוֹמַר "וְכִפֶּר עָלָיו מֵאֲשֶׁר חָטָא עַל הַנֶּפֶשׁ"? וְכִי בְּאֵיזוֹ נֶפֶשׁ חָטָא זֶה? אֶלָּא שֶׁצִּיער עַצְמוֹ מִן הַיַּיִן. וְקַל וָחוֹמֶר: וּמַה זֶּה שֶׁלֹּא צִיער עַצְמוֹ אֶלָּא מִן הַיַּיִן – נִקְרָא חוֹטֵא, הַמְצַעֵר עַצְמוֹ מִכָּל דָּבָר – עַל אַחַת כַּמָּה וְכַמָּה.

As it is taught in a *baraita*: **Rabbi Elazar HaKappar, the esteemed one, says: What** is the meaning when **the verse states** with regard to a nazirite: **"And make atonement for him, for he sinned by the soul"** (Numbers 6:11)? **And with which soul did this** person **sin**[N] by becoming a nazirite? **Rather,** in **afflicting himself** by abstaining **from wine,** he is considered to have sinned with his own soul, and he must bring a sin-offering for the naziriteship itself, for causing his body to suffer. **And an *a fortiori*** inference can be learned from this: **Just as this** person, in **afflicting himself** by abstaining **only from wine, is** nevertheless **called a sinner,** in the case of **one who afflicts himself** by abstaining **from everything,**[H] through fasting or other acts of mortification, **all the more so** is he described as a sinner. According to this opinion, Rabbi Yishmael holds that since the woman afflicted herself by abstaining from wine she must bring a sin-offering, even though, due to her husband's nullification, she did not actually become a nazirite.

HALAKHA

One who afflicts himself by abstaining from everything – הַמְצַעֵר עַצְמוֹ מִכָּל דָּבָר: Although one must stay away from the pursuit of the pleasures of the world when they result from jealousy, lust, and honor, it is not proper for a person to abstain from the pleasures of the world altogether and to practice self-denial. The Sages therefore directed that one should deprive himself only of things forbidden by the Torah, and he should refrain from prohibiting permitted matters to himself by means of oaths and vows (Rambam *Sefer HaMadda*, *Hilkhot Deot* 3:1; see *Shulḥan Arukh*, *Oraḥ Ḥayyim* 571:1).

NOTES

In accordance with the opinion of Rabbi Elazar HaKappar – כְּרַבִּי אֶלְעָזָר הַקַּפָּר: The sin-offering is brought to atone for her self-affliction of abstaining from wine during her period as a nazirite. *Tosafot* note that if she did not become ritually impure before her husband nullified her naziriteship, she does not have to bring this sin-offering. The early authorities write, based on *Nedarim* 83a, that this *halakha* refers only to the bird sin-offering, which is brought by a nazirite who becomes impure during the term of naziriteship. Since the bird sin-offering can be offered conditionally, there is no concern that she might be violating the prohibition of bringing an unconsecrated bird into the Temple courtyard. She can therefore bring it even after her vow has been nullified, as it will serve to atone for her sin of afflicting herself by abstaining from wine. If she completed her term of naziriteship, which would obligate her to bring a sheep sin-offering, and her husband nullified her naziriteship, she does not bring a sin-offering even according to the *tanna* of this *baraita*. Since an animal sin-offering cannot be brought conditionally, bringing this offering could potentially cause her to violate the prohibition of bringing an unconsecrated animal into the Temple courtyard.

And with which soul did this person sin – וְכִי בְּאֵיזוֹ נֶפֶשׁ חָטָא זֶה: While the straightforward meaning of the verse would seem to be referring to a nazirite who contracted impurity through contact with a corpse, the commentaries offer several explanations as to why Rabbi Elazar HaKappar interprets it in a different manner. Some explain that this verse cannot be referring to the fact that he became impure through contact with a corpse, as this had already been written earlier in the passage (Numbers 6:9). Others explain that contracting impurity through contact with a corpse does not necessarily involve a sin, since he must bring an offering even if he was made impure against his will, as the verse states: "Very suddenly" (Numbers 6:9). Therefore, Rabbi Eliezer HaKappar understands that the sin mentioned here has nothing to do with his ritual impurity, but is referring to something he did willingly (Rabbeinu Peretz).

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וְהָא בְּנָזִיר טָמֵא כְּתִיב, וַאֲנַן אֲפִילּוּ נָזִיר טָהוֹר קָאָמְרִינַן. קָסָבַר רַבִּי אֶלְעָזָר הַקַּפָּר: נָזִיר טָהוֹר נַמִּי חוֹטֵא הוּא, וְהַיְינוּ טַעֲמָא דִּכְתִיב בְּנָזִיר טָמֵא – הוֹאִיל וְשָׁנָה בְּחַטְאוֹ.

The Gemara raises a difficulty with Rabbi Elazar HaKappar's dictum: **But this** verse, labeling the nazirite a sinner, **is written with regard to an impure nazirite, and we are saying** that **even a pure nazirite** is a sinner. The Gemara answers: **Rabbi Elazar HaKappar holds** that **a pure nazirite is also a sinner. And this is the reason that** the statement that a nazirite is a sinner **is written** in reference **to an impure nazirite** rather than a pure one: **Since he repeated his sin,**[N] as his impurity causes him to start his naziriteship again, he thereby deprives himself for a longer period. He should have taken extra care to prevent this from happening.

״יָצָא וְנִכְנַס עוֹלִין לוֹ מִן הַמְּנָיָן״. קָתָנֵי ״עוֹלִין לוֹ מִן הַמְּנָיָן״. מְשׁוּם דְּיָצָא חָל עֲלֵיהּ נְזִירוּת? אָמַר שְׁמוּאֵל: כְּגוֹן שֶׁיָּצָא וְהִזָּה, וְשָׁנָה וְטָבַל.

§ The mishna taught that if one took a vow of naziriteship while in a cemetery, **left** the cemetery, **and** then **entered** it again, the days he spent outside **do count** as part **of his tally** of his term of naziriteship, and he is obligated to bring the offerings of ritual impurity upon reentering the cemetery. The mishna **teaches: They do count** as part **of his tally.** The Gemara questions the meaning of this linkage: **Does naziriteship take effect for him because he** merely **left** the ritually impure place? He is still ritually impure, and he cannot begin counting his term of naziriteship until after he has undergone the purification process. **Shmuel said:** The mishna is referring to a case **where he left and** received the **sprinkling**[H] of the ashes of the red heifer on the third day, **and** he **again** received the sprinkling on the seventh day **and immersed,** after which he entered the cemetery a second time. Since he is now ritually pure, his naziriteship takes effect.

אֶלָּא נִכְנַס הוּא דְּעוֹלִין לוֹ מִן הַמְּנָיָן, לֹא נִכְנַס אֵין עוֹלִין לוֹ מִן הַמְּנָיָן?! לָא מִיבָּעֵיָא קָאָמַר; לָא מִיבָּעֵיָא יָצָא, אֶלָּא אֲפִילּוּ נִכְנַס – עוֹלִין לוֹ מִן הַמְּנָיָן.

The Gemara poses another question: According to the precise reading of the mishna, his term of naziriteship starts only if he reentered the cemetery; **however,** is it only if he returned and **entered** the cemetery that those days **count** as part **of his tally,** but if he did **not enter,** and remained outside the cemetery, those days **do not count** as part **of his tally?** Why should the start of the naziriteship be dependent upon his reentering the cemetery? The Gemara answers: The *tanna* **is speaking** utilizing the style of: **It is not necessary,** as follows: **It is not necessary** to state this *halakha*, that those days count as part of his tally, in the case of one who **left** the cemetery and began his naziriteship, **but even if he entered** the cemetery again immediately after his purification, those days **count** as part **of his tally,** and he will be obligated to bring the offerings of ritual impurity upon his reentry.

אֲמַרוּ לֵיהּ רַב כָּהֲנָא וְרַב אַסִי לְרַב: מַאי טַעֲמָא לָא מְפָרֵשְׁתְּ לָן כָּהֲלֵין מִילֵּי? אֲמַר לְהוֹן: אָמִינָא דִּלְמָא לָא צְרִיכִיתוּ.

Rav Kahana and Rav Asi said to Rav: What is the reason you did not explain it **to us with these words** of Shmuel, as explained above? **He said to them: I said** to myself that **perhaps you do not require that** explanation, as I thought it was apparent that this is the proper explanation of the mishna.

״רַבִּי אֱלִיעֶזֶר אוֹמֵר לֹא בּוֹ בַּיּוֹם שֶׁנֶּאֱמַר: וְהַיָּמִים הָרִאשׁוֹנִים יִפְּלוּ, עַד שֶׁיִּהְיוּ יָמִים רִאשׁוֹנִים״. אָמַר עוּלָּא: לֹא אָמַר רַבִּי אֱלִיעֶזֶר אֶלָּא בְּטָמֵא שֶׁנָּזַר, אֲבָל בְּנָזִיר טָהוֹר שֶׁנִּטְמָא, אֲפִילּוּ יוֹם אֶחָד – סוֹתֵר.

§ The mishna also taught an additional *halakha*: **Rabbi Eliezer says:** This *halakha* does **not** apply to one who entered the cemetery **on that very day** that he left it, **as it is stated** with regard to the *halakhot* of an impure nazirite: **"But the first days shall be void"** (Numbers 6:12), which indicates that he does not bring the offerings **unless he had** his **"first days"** of ritual purity, during which he observed his naziriteship. **Ulla said: Rabbi Eliezer said** this *halakha*, that one day of naziriteship in purity is not sufficient to obligate him to bring offerings if he becomes impure, **only with regard to an impure** person **who took a vow of naziriteship, but a pure nazirite who became impure, even** if he was only pure for **one day** of naziriteship, **it negates** that day of his tally and he must bring the offerings of a impure nazirite.

NOTES

Since he repeated his sin – הוֹאִיל וְשָׁנָה בְּחַטְאוֹ: He should have been careful to avoid becoming ritually impure, and by failing to do so he commits another sin (Commentary on *Nazir*). *Tosafot* and others state that his becoming ritually impure results in him extending his term of naziriteship, adding to the time that he is abstaining from wine and consequently repeating his earlier sin.

HALAKHA

A case where he left and received the sprinkling, etc. – כְּגוֹן שֶׁיָּצָא וְהִזָּה וכו׳: One who took a vow of naziriteship while in a cemetery, left, and after a while reentered, does not count the days spent outside of the cemetery in his tally. However, if he left, received the sprinkling of the ashes of the red heifer, immersed himself, began counting the days of his naziriteship, and then reentered the cemetery, those days do count as part of his tally (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:10).

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אֲמַר רָבָא: מַאי טַעְמָא דְּרַבִּי אֱלִיעֶזֶר – אָמַר קְרָא ״כִּי טָמֵא נִזְרוֹ״ – מְשׁוּם דְּבִטּוּמְאָה נָזַר.

Rava said: What is the reason for the opinion **of Rabbi Eliezer,** according to Ulla's explanation? **The verse states:** "But the first days shall be void **because his consecration was ritually impure**" (Numbers 6:12), which he explains as follows: Why are his first days rendered void? They are void **because he took a vow of naziriteship,** consecrating himself, **when** he was **in** a state of **ritual impurity.**

אֵיתִיבֵיהּ אַבַּיֵי: ״הֲרֵינִי נָזִיר מֵאָה יוֹם״ וְנִטְמָא בִּתְחִלַּת מֵאָה, יָכוֹל יְהֵא סוֹתֵר? תַּלְמוּד לוֹמַר ״וְהַיָּמִים הָרִאשׁוֹנִים יִפְּלוּ״ – עַד שֶׁיְּהוּ לוֹ יָמִים רִאשׁוֹנִים, וְזֶה אֵין לוֹ רִאשׁוֹנִים.

Abaye raised an objection to Rava from a *baraita* that is not in accordance with the opinion of Ulla: One who said: **I am hereby a nazirite**[N] for **one hundred days, and he became ritually impure** immediately, **at the beginning** of the **one hundred** days, one **might** have thought **it should negate** the time he spent as a nazirite. **The verse** therefore **states: "But the first days shall be void"** (Numbers 6:12), which indicates that this *halakha* does not apply **until he will have "first days"** as a nazirite, **and** in **this** case the nazirite **does not have** his **first** days[H] completed, as he became ritually impure right away.

נִטְמָא בְּסוֹף מֵאָה, יָכוֹל יְהֵא סוֹתֵר? תַּלְמוּד לוֹמַר ״וְהַיָּמִים הָרִאשׁוֹנִים יִפְּלוּ״ – מִכְּלָל דְּאִיכָּא אַחֲרוֹנִים, וְזֶה אֵין לוֹ אַחֲרוֹנִים. נִטְמָא בְּיוֹם מֵאָה חָסֵר אַחַת, יָכוֹל לֹא יְהֵא סוֹתֵר – תַּלְמוּד לוֹמַר ״וְהַיָּמִים הָרִאשׁוֹנִים יִפְּלוּ״ – מִכְּלָל דְּאִיכָּא אַחֲרוֹנִים, וְזֶה יֵשׁ לוֹ רִאשׁוֹנִים וְאַחֲרוֹנִים.

The *baraita* continues: If one **became ritually impure at the end of one hundred** days,[N] that is, on the hundredth day, one **might** have thought **it should negate** the days he had counted. **The verse** therefore **states: "But the first days shall be void,"** indicating **by inference that there are** other days that can be called the **last** ones, **while this** nazirite **does not have last** days, as he has already completed the tally of his naziriteship. If **he became impure on the one hundredth day less one,** one **might** have thought **it should not negate** the days he had counted. **Therefore, the verse states: "But the first days shall be void,"** indicating **by inference that there are last** ones, **and this** nazirite **has first** ones **and last** ones.

וְהָא בְּטָמֵא שָׁנָזַר לָא מָצֵית אָמַרְתְּ, מִדְּקָתָנֵי ״הֲרֵינִי נָזִיר מֵאָה״ וְנִטְמָא בִּתְחִלַּת מֵאָה, וְקָתָנֵי: עַד שֶׁיְּהוּ לוֹ יָמִים רִאשׁוֹנִים! תִּיוּבְתָּא.

Abaye now concludes his objection to Rava: **But** with regard to **this** *halakha* of the *baraita*, **you cannot say** it is referring **to an impure** person **who took a vow of naziriteship from** the fact **that it teaches: I am hereby a nazirite** for **one hundred** days, **and he became impure** immediately **at the beginning** of the **one hundred,** indicating that it is discussing one who became impure after his term had already started. **And it** further **teaches: Until he will have "first days,"** which proves that Rabbi Eliezer states his *halakha* even with regard to a pure nazirite who later became impure. This is **a conclusive refutation** of Ulla, and his opinion is rejected.

אֲמַר לֵיהּ רַב פַּפָּא לְאַבַּיֵי: הָנֵי יָמִים דְּקָאָמְרִינַן, דְּנָפֵק חַד וּמַתְחִילִין תְּרֵין, אוֹ דִלְמָא דְּנָפְקִין תְּרֵין וּמַתְחִילִין תְּלָתָא? לָא הֲוָה בִּידֵיהּ, אֲתָא שַׁיְּילֵיהּ לְרָבָא. אֲמַר לֵיהּ: ״יִפְּלוּ״ כְּתִיב.

Rav Pappa said to Abaye: Those first **days that we said** he must observe in ritual purity according to Rabbi Eliezer, does it mean **that one** day **has finished and a second has started,** so that if he became impure on the second day it negates his tally, **or perhaps** it means **that two** days **have finished, and a third has started,** which would mean it negates his tally only if he became impure after the beginning of the third day? An answer **was not available to him,** so Rav Pappa **went** to **ask Rava,** who **said to him:** It **is written:** "But the former days **shall be void** [***yippelu***]" (Numbers 6:12)[N] in the plural, which means at least two days need to have passed.

וְאִיצְטְרִיךְ לְמִיכְתַּב ״יָמִים״ וְאִיצְטְרִיךְ לְמִיכְתַּב ״יִפְּלוּ״; דְּאִי כְּתַב רַחֲמָנָא ״יָמִים״ וְלָא כְּתַב ״יִפְּלוּ״, הֲוָה אָמֵינָא: עַד דְּנָפְקִין תְּרֵין וְעָיְילִין תְּלָתָא, כְּתַב רַחֲמָנָא ״יִפְּלוּ״. וְאִי כְּתַב ״יִפְּלוּ״ וְלָא כְּתַב ״יָמִים״ הֲוָה אָמֵינָא: אֲפִילּוּ חַד, כְּתַב רַחֲמָנָא ״יָמִים״.

The Gemara comments: **And it was necessary** for the verse **to write "days" and it was** also **necessary** for it **to write "shall be void"** in the plural. **For if the Merciful One wrote** in the Torah only **"days" and had not** also **written "shall be void"**[N] in the plural, **I would say that** the *halakha* applies only **if two** days **have finished and a third has started. The Merciful One** therefore **wrote** in the Torah the plural form of **"shall be void." And if** the Merciful One **wrote** in the Torah **"shall be void" and had not** also **written "days," I would say even one**[N] day, that is, the *halakha* applies even if he became ritually impure on the first day. **The Merciful One** therefore **wrote** in the Torah **"days,"** indicating that he must have observed at least part of the second day.

NOTES

I am hereby a nazirite, etc. – הֲרֵינִי נָזִיר וכו': The commentaries note that even though this *baraita* is not explicitly attributed to Rabbi Eliezer, there is no other *tanna* who holds that his tally is not negated if he became impure on the first day (Rabbeinu Peretz; Rabbeinu Azriel). However, the *Kesef Mishne* writes that the Rabbis agree with the exposition of the words "and the first days," but they hold that it refers only to a pure nazirite who became impure, and not to a impure person who took a vow of naziriteship. In any case, the middle *halakha* of the *baraita*, concerning one who became impure on the hundredth day, certainly is true only according to Rabbi Eliezer, as the Rabbis hold that in this case, the entire tally is negated, as stated in an earlier mishna (16a).

If one became ritually impure at the end of one hundred days, etc. – נִטְמָא בְּסוֹף מֵאָה וכו': *Tosafot* write that this does not mean that no days are negated if he became ritually impure on the one hundredth day, but rather he is required to observe only an additional thirty days, and not a full hundred, as stated in the mishna on 16a.

It is written: Shall be void – יִפְּלוּ כְּתִיב: The Commentary on *Nazir* explains that the plural form of "shall be void" indicates at least two days; that is, he must have counted at least two days of his naziriteship. This explanation is in accordance with the standard text of the Gemara, which reads: I would say that the *halakha* applies only if two days have finished and a third has started. Conversely, the Rosh and others follow Rabbeinu Tam's opinion that "shall be void" indicates any number of days, even less than one. This explanation is in accordance with the variant text of the Gemara, which reads: I would say that the *halakha* applies if one day has finished and a second has started, as this can occur in less than a day, e.g., if he began his naziriteship in the afternoon.

And had not also written shall be void – וְלָא כְּתַב יִפְּלוּ: That is, the verse had instead written "and the first days shall be left" (Commentary on *Nazir*) or "apart from the first days" (*Tosafot*).

I would say even one – הֲוָה אָמֵינָא אֲפִילּוּ חַד: If this were the meaning, then the usage of the plural form of "shall be void" would be understood as a general term for all of the days he had counted, whether many, few, or even one. Alternatively, it might refer to nazirites in general, meaning that whenever this occurs to any nazirite the days they have observed are negated.

HALAKHA

And this nazirite does not have first days – וְזֶה אֵין לוֹ רִאשׁוֹנִים: If one became ritually impure on the first or second day of his term of naziriteship, although the Rambam rules that he must bring the offerings of impurity, it does not negate his previous days as a nazirite, and he continues to count from where he left off after he has brought his offerings. It is only if he contracted ritual impurity from the third day onward that it negates all the previous days, as the Rambam's text is like that of the Commentary on *Nazir* (*Kesef Mishne*). The *halakha* follows Rabbi Eliezer, as his opinion is discussed by the *amora'im* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:6).

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מתני׳ מִי שֶׁנָּזַר נְזִירוּת הָרְבֵּה, וְהִשְׁלִים אֶת נְזִירוּתוֹ, וְאַחַר כָּךְ בָּא לָאָרֶץ, בֵּית שַׁמַּאי אוֹמְרִים: נָזִיר שְׁלֹשִׁים יוֹם, וּבֵית הִלֵּל אוֹמְרִים: נָזִיר בַּתְּחִלָּה.

MISHNA

One who vowed many days of **nazirite-ship** while outside Eretz Yisrael, **and completed his naziriteship, and afterward came to Eretz** Yisrael,[H] in order to bring the offerings at the end of his naziriteship, **Beit Shammai say:** He must be **a nazirite** for **thirty days,** so that he has observed a term of naziriteship in ritual purity in Eretz Yisrael, **and Beit Hillel say:** He is **a nazirite from the beginning,** that is, he must observe his entire naziriteship again.

מַעֲשֶׂה בְּהֵילֵנִי הַמַּלְכָּה שֶׁהָלַךְ בְּנָהּ לַמִּלְחָמָה, וְאָמְרָה: אִם יָבוֹא בְּנִי מִן הַמִּלְחָמָה בְּשָׁלוֹם – אֶהֱא נְזִירָה שֶׁבַע שָׁנִים. וּבָא בְּנָהּ מִן הַמִּלְחָמָה, וְהָיְתָה נְזִירָה שֶׁבַע שָׁנִים. וּבְסוֹף שֶׁבַע שָׁנִים עָלְתָה לָאָרֶץ, וְהוֹרוּהָ בֵּית הִלֵּל שֶׁתְּהֵא נְזִירָה עוֹד שֶׁבַע שָׁנִים אֲחֵרוֹת. וּבְסוֹף שֶׁבַע שָׁנִים נִטְמֵאת, וְנִמְצֵאת נְזִירָה עֶשְׂרִים וְאַחַת שָׁנָה. אָמַר רַבִּי יְהוּדָה: לֹא הָיְתָה נְזִירָה אֶלָּא אַרְבַּע עֶשְׂרֵה שָׁנָה.

The mishna cites a related story: **An incident** occurred **with regard to Queen Helene,**[P] **whose son had gone to war, and she said: If my son will return from war safely, I will be a nazirite** for **seven years. And her son returned** safely **from the war, and she was a nazirite** for **seven years. And at the end of seven years, she ascended to Eretz** Yisrael, **and Beit Hillel instructed her,** in accordance with their opinion, **that she should be a nazirite for an additional seven years. And at the end of** those **seven years she became ritually impure,** and was therefore required to observe yet another seven years of naziriteship, as ritual impurity negates the tally of a nazirite. **And she was found to be a nazirite** for **twenty-one years. Rabbi Yehuda said: She was a nazirite** for **only fourteen years** and not twenty-one.

גמ׳ קָתָנֵי רֵישָׁא: בֵּית שַׁמַּאי אוֹמְרִים נָזִיר שְׁלֹשִׁים יוֹם, וּבֵית הִלֵּל אוֹמְרִים: נָזִיר בַּתְּחִלָּה, לֵימָא בְּהָא קָמִיפַּלְגִי; דְּבֵית שַׁמַּאי סָבְרִי: אֶרֶץ הָעַמִּים מְשׁוּם גּוּשָׁהּ גָּזְרוּ עָלֶיהָ,

GEMARA

The first clause of the mishna **teaches** that **Beit Shammai say:** He must be **a nazirite** for **thirty days, and Beit Hillel say:** He is **a nazirite from the beginning.** The Gemara suggests a possible explanation of their dispute: **Let us say that they disagree about this,** that **Beit Shammai hold** that when the Sages declared that the **land of the nations**[N] outside of Eretz Yisrael is impure, **they decreed** so **with regard to its earth.**[N] In other words, they decreed that only the earth of the land of the nations is impure, but its airspace remains pure. If so, it is not a severe level of ritual impurity, and one who observed a vow of naziriteship outside of Eretz Yisrael is not considered to be impure to the extent that he would be required to start his naziriteship afresh once entering Eretz Yisrael,

HALAKHA

And afterward came to Eretz Yisrael – וְאַחַר כָּךְ בָּא לָאָרֶץ: Naziriteship can be observed only in Eretz Yisrael, and one who vowed to be a nazirite outside Eretz Yisrael is obligated to ascend to Eretz Yisrael and observe his naziriteship there for the term he had specified, in accordance with the opinion of Beit Hillel. However, the vow of naziriteship itself takes effect outside Eretz Yisrael, and he is prohibited to drink wine, become ritually impure through contact with a corpse, or to shave, despite the fact that these days do not count as part of his term of naziriteship. Consequently, one who takes a vow of naziriteship nowadays must ascend to Eretz Yisrael and observe naziriteship there until his death, or until the Temple is rebuilt and he can bring his offerings. The Ra'avad claims that since all are considered ritually impure from the dead at this time, even those living in Eretz Yisrael, observing one's naziriteship in Eretz Yisrael has no advantage (Rambam Sefer *Hafla'a*, *Hilkhot Nezirut* 2:21–22).

NOTES

The land of the nations – אֶרֶץ הָעַמִּים: Although the ritual impurity of land outside of Eretz Yisrael is not by Torah law, it is a very ancient rabbinic decree. It is mentioned already in the Bible, with regard to those exiled from the Eretz Yisrael: "You shall die in an unclean land" (Amos 7:17). The Sages, however, increased the severity of this ritual impurity. As for the reason for the decree, the early authorities discuss whether it is because they were concerned about unknown burial sites of Jews, or whether it was a decree in its own right, in order to emphasize the ritual purity of Eretz Yisrael.

With regard to its earth – מְשׁוּם גּוּשָׁהּ: If it is only its actual earth that imparts impurity through contact and the airspace is pure, then it does not have the same severity of impurity as a corpse, which renders ritually impure anything found inside a structure with it. Therefore, the Sages were not as stringent in this case as with one who takes a vow of naziriteship while in a cemetery. This is the standard version of the text, and has been accepted by several early authorities.

However, there is a variant text that reads that Beit Shammai hold that the decree was with regard to the airspace. This means that anyone who passes through the land of the nations, even if he does not come into contact with its earth, such as one who travels in a chest, a box, or a cabinet, is nevertheless ritually impure. According to this reading, this impurity is not due to the presence of graves, as graves do not impart impurity in this way; rather, it is a special form of impurity. Therefore, the *halakha* of a nazirite outside of Eretz Yisrael is not like that of one who takes a vow of naziriteship while in a cemetery, whose days in the cemetery do not count as part of his tally (Rosh; see Rabbeinu Azriel and *Tosafot* on 20a). The text of the Gemara on the following page would also be modified according to this reading.

PERSONALITIES

Queen Helene – הֵילֵנִי הַמַּלְכָּה: Helene, or in Greek Ἑλένη, *Helenē*, was queen of Adiabene, a small country subjugated to the Parthian Empire. Located on the Tigris River, it was situated in what is today northern Syria. More than a generation prior to the destruction of the Second Temple, Helene and her two sons, Munbaz and Izats, converted to Judaism, apparently along with much of the local nobility.

Queen Helene and her two sons maintained strong ties to the Jewish community in Eretz Yisrael. They would send substantial gifts to the Temple and enormous sums of money to assist the poor in years of drought. It is plausible that members of the royal family of Adiabene are buried in the magnificent Graves of the Kings in Jerusalem.

As mentioned in the Talmud, Queen Helene was a righteous proselyte who accepted upon herself all elements of *halakha* as taught to her by the Sages.





Images of the remains of what is believed to be Helene's palace in Jerusalem

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וּבֵית הִלֵּל סָבְרִי: מְשׁוּם אֲוִירָא גָּזְרוּ עָלֶיהָ? לָא, דְּכוּלֵי עָלְמָא מְשׁוּם גּוּשְׁתָּה גָּזְרוּ עָלֶיהָ, וּבֵית שַׁמַּאי סָבְרִי: בִּסְתָם נְזִירוּת קָנֵיסְנָא, וּבֵית הִלֵּל סָבְרִי: כִּי קָנֵיסְנָא – בִּתְחִילַּת נְזִירוּת.

and Beit Hillel hold: They decreed with regard to its airspace, and it is a severe level of ritual impurity, so he must start his naziriteship from the beginning once he arrives in Eretz Yisrael. The Gemara rejects this possibility: **No,** it may be **that everyone** agrees that **they decreed** only **with regard to its earth,**[H] **and** they disagree merely over the details of the penalty. **Beit Shammai hold** that **we penalize** him **with an unspecified term of naziriteship,** which is thirty days, **and Beit Hillel hold** that **when we penalize,** we require him to return **to the beginning of** his term of **naziriteship,** and he must observe the entire term of naziriteship afresh.

"מַעֲשֶׂה בְּהֵילֶנֵי הַמַּלְכָּה" וכו'. אִיבַּעְיָא לְהוּ: בְּשֶׁנִּטְמֵאת וְאַלִּיבָּא דְּבֵית שַׁמַּאי, אוֹ דִלְמָא בְּשֶׁלֹּא נִטְמֵאת וְאַלִּיבָּא דְּבֵית הִלֵּל?

§ The mishna taught: **An incident** occurred **with regard to Queen Helene. A dilemma was raised before them:** What is the meaning of Rabbi Yehuda's statement? Does he hold that the case was one **where she became impure** in Eretz Yisrael, but after thirty days, and not after seven years, **and** Rabbi Yehuda spoke **in accordance with** the opinion of **Beit Shammai,** who hold that she was required to observe only a further thirty days upon her arrival in Eretz Yisrael, and due to her becoming impure she had to observe again her original term of naziriteship, for a total of fourteen years? **Or perhaps** the case is one **where she did not become impure** at the end of the seven years in Eretz Yisrael, **and** he ruled **in accordance with** the opinion of **Beit Hillel** that she had to observe an additional seven years upon her entry to Eretz Yisrael.

תָּא שְׁמַע: עָלְתָה לָאָרֶץ וְהוֹרוּהָ בֵּית הִלֵּל שֶׁתְּהֵא נְזִירָה עוֹד שֶׁבַע שָׁנִים אֲחֵרוֹת וכו'. וְאִי סָלְקָא דַּעְתָּךְ בְּשֶׁנִּטְמֵאת וְאַלִּיבָּא דְּבֵית שַׁמַּאי, אִי הָכִי, רַבִּי יְהוּדָה אוֹמֵר לֹא הָיְתָה נְזִירָה אֶלָּא אַרְבַּע עֶשְׂרֵה שָׁנָה? אַרְבַּע עֶשְׂרֵה שָׁנָה וּשְׁלֹשִׁים יוֹם מִיבָּעֵי לֵיהּ!

The Gemara suggests: **Come** and **hear** a proof from the mishna: **She ascended to Eretz** Yisrael, **and Beit Hillel instructed her that she should be a nazirite for an additional seven years, etc. And if it enters your mind** that Rabbi Yehuda says that the case is one **where she became ritually impure** after observing thirty days of naziriteship following her arrival to Eretz Yisrael, **and** he spoke **in accordance with** the opinion **of Beit Shammai, if so,** why does **Rabbi Yehuda say she was a nazirite** for **only fourteen years? He should have** said **fourteen years and thirty days,** as even Beit Shammai obligate her to observe a thirty-day period of naziriteship in Eretz Yisrael. It must be that Rabbi Yehuda holds that she observed seven additional years, in accordance with the opinion of Beit Hillel, and says that she did not become ritually impure.

תַּנְיָא נַמִּי הָכִי, רַבִּי יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי אֱלִיעֶזֶר: דְּאָמַר קְרָא "זֹאת תּוֹרַת הַנָּזִיר" – הַתּוֹרָה אָמְרָה: כִּי נִטְמָא בְּיוֹם מִלֹּאת – תֵּן לוֹ תּוֹרַת נָזִיר.

The Gemara adds: **This is also taught** in a *baraita*, that Rabbi Yehuda's opinion cannot be established in accordance with Beit Shammai: **Rabbi Yehuda says in the name of Rabbi Eliezer that the verse states: "This is the law of the nazirite** when the days of his consecration are fulfilled" (Numbers 6:13). **The Torah states: When he becomes impure on the day of the completion** of his naziriteship, even if it was at the end of a lengthy term, **give him the law of** an unspecified **nazirite,** and he must observe a thirty-day term. Therefore, if she became impure at the end of those thirty days that Beit Shammai obligates her to observe, she should have been required to observe naziriteship for only thirty additional days, rather than a full seven years. Rather, Rabbi Yehuda certainly accepts the opinion of Beit Hillel, and claims that she did not become ritually impure.

HALAKHA

They decreed with regard to its earth, etc. – מְשׁוּם גּוּשְׁתָּה גָּזְרוּ וכו': The Sages initially decreed that the status of ritual impurity applied only to the earth of the land of the nations, which meant that only one who walked there or touched or carried its earth became ritually impure. Later, they also decreed that its airspace would be ritually impure, so that even one who did not touch or carry the dirt, but merely entered his head and the majority of his body into the airspace of the land of nations was considered to be ritually impure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 11:1).

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מתני׳ מִי שֶׁהָיוּ שְׁתֵּי כִיתֵּי עֵדִים מְעִידוֹת אוֹתוֹ, אֵלּוּ מְעִידִים שֶׁנָּזַר שְׁתַּיִם וְאֵלּוּ מְעִידִים שֶׁנָּזַר חָמֵשׁ, בֵּית שַׁמַּאי אוֹמְרִים: נֶחְלְקָה הָעֵדוּת, וְאֵין כָּאן נְזִירוּת. וּבֵית הִלֵּל אוֹמְרִים: יֵשׁ בִּכְלַל חָמֵשׁ שְׁתַּיִם, שֶׁיְּהֵא נָזִיר שְׁתַּיִם.

MISHNA

In a case of **one who had two sets of witnesses testifying about him** that he had taken a vow of naziriteship for a certain period, and **these** witnesses **testify that he took a vow of naziriteship** for **two** terms, **and these** witnesses **testify that he took a vow of naziriteship** for **five** terms. **Beit Shammai say: The testimony is divided,** i.e., the testimonies contradict each other, and since the testimonies are in conflict they are both rejected entirely **and there is no naziriteship here** at all. **And Beit Hillel say:** The testimonies are not completely in conflict with each other, as **two** terms **are included in five**[H] terms, and the unanimous testimony, **that he is a nazirite** for **two** terms, is accepted.

גמ׳ מַתְנִיתִין דְּלָא כְּרַאי תַּנָּא. דְּתַנְיָא, רַבִּי יִשְׁמָעֵאל בְּנוֹ שֶׁל רַבִּי יוֹחָנָן בֶּן בְּרוֹקָא אוֹמֵר: לֹא נֶחְלְקוּ בֵּית שַׁמַּאי וּבֵית הִלֵּל עַל שְׁתֵּי כִיתֵּי עֵדִים, אַחַת אוֹמֶרֶת שְׁתַּיִם וְאַחַת אוֹמֶרֶת חָמֵשׁ, שֶׁיֵּשׁ בִּכְלַל חָמֵשׁ שְׁתַּיִם. עַל מָה נֶחְלְקוּ – עַל כַּת אַחַת, אֶחָד אוֹמֵר שְׁתַּיִם וְאֶחָד אוֹמֵר חָמֵשׁ. שֶׁבֵּית שַׁמַּאי אוֹמְרִים נֶחְלְקָה עֵדוּתָן, וּבֵית הִלֵּל אוֹמְרִים: יֵשׁ בִּכְלַל חָמֵשׁ שְׁתַּיִם.

GEMARA

The Gemara comments: **The mishna is not in accordance with** the opinion of **this *tanna*, as it is taught** in a *baraita* that **Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: Beit Shammai and Beit Hillel did not disagree with regard to** the *halakha* in the case of **two sets of witnesses, one** of whom **says two** terms **and one** of whom **says five** terms, **that two** terms **are included in five** terms, and he must observe two terms of naziriteship. **With regard to what did they disagree?** They disagreed **with regard to one set** of two witnesses, **one** of whom **says two** terms **and one** of whom **says five** terms, and **that Beit Shammai say:** In that case **their testimony is divided,** as the two witnesses are in conflict and there is no testimony here at all. **And Beit Hillel say:** Since **two** terms **are included in five** terms, their testimony is in agreement with regard to two terms, and therefore he must observe two terms.

אָמַר רַב: הַכֹּל מוֹדִים בְּמוֹנֶה. אָמַר לֵיהּ רַב חָמָא לְרַב חִסְדָּא: מַאי קָאָמַר? אִילֵימָא אֶחָד אוֹמֵר חָמֵשׁ וְלֹא שְׁתַּיִם, וְאֶחָד אוֹמֵר שְׁתַּיִם וְלֹא חָמֵשׁ – הָא קָא מַכְחֲשִׁי אַהֲדָדֵי. אֶלָּא: אֶחָד אוֹמֵר אַחַת וּשְׁתַּיִם, וְאֶחָד אוֹמֵר: שָׁלֹשׁ אַרְבַּע חָמֵשׁ,

In relation to the explanation that the dispute is with regard to a single pair of witnesses, **Rav said: All concede in** a case of **counting**[N] that the testimonies contradict each other. **Rav Ḥama said to Rav Ḥisda: What is he saying;** what did Rav mean by this? **If we say that** he was referring to a case where **one** witness **says:** He vowed **five** terms **and not two** terms, **and one says:** He vowed **two** terms **and not five** terms, in such a situation **they** clearly **contradict one another,** and neither of the testimonies is reliable. **Rather,** Rav is speaking of **one** witness who **says** that he heard the person in question count out only **one and two** terms when he took a vow of naziriteship, **and one says** that he heard the person in question count out only **three, four,** and **five** terms when he took a vow of naziriteship.

HALAKHA

Two terms are included in five – יֵשׁ בִּכְלַל חָמֵשׁ שְׁתַּיִם: If one pair of witnesses testified that a person vowed to be a nazirite for two terms, while a second pair testified that he vowed to be a nazirite for five terms, he is a nazirite for two terms. This is because five includes two. The *halakha* follows Beit Hillel, but not in accordance with the explanation of Beit Hillel that is given by Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:9 and *Leḥem Mishne* there; see Rambam *Sefer Shofetim*, *Hilkhot Edut* 3:3; *Shulḥan Arukh*, *Ḥoshen Mishpat* 30:2).

NOTES

All concede in a case of counting – הַכֹּל מוֹדִים בְּמוֹנֶה: In other words, everyone agrees that the testimonies are considered divided if they say that the vow was uttered by way of counting (Rabbeinu Peretz; Rabbi Avraham min HaHar). Rabbeinu Todros explains that the witnesses counted out the numbers, therefore the assumption is that they did not make a mistake and should be seen as contradicting each other.

An opposite version is cited by the *Shita Mekubbetzet*: All agree in the case of counting that two is included in five. According to this opinion, when the witnesses stated the number with counting, all agree that the lower number is accepted, and when each set of witnesses gives a different number without counting, there is a disagreement if the lower number is accepted. Rabbi Avraham min HaHar cites a similar version of the text.

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מָה לָמָּה לִי? הָשְׁתָּא יֵשׁ לוֹמַר חֲמִירְתָּא אֲמַר רַב, קִילְתָּא לָא אֲמַר?! אָמְרִי בְּמַעֲרָבָא: אֵין הַכְחָשָׁה בְּמוֹנֶה.

The Gemara asks: **Why do I** need for Rav to state **this** at all? **Now that it is** already **said** with regard to **a stringent** case, where there were two sets of witnesses who generally have full credibility yet **Rav said**[N] that the testimony is considered divided, with regard to **a lenient** case, involving a conflict within one pair of witnesses, who cannot each obligate him in naziriteship, would he **not say** that a conflict in their testimony causes it to be disregarded? Of course the testimonies are disregarded if the conflict is within the same set of witnesses. **They say in the West,**[B] Eretz Yisrael:[N] **There is no conflicting** testimony **in** a case of **counting,** as since one of them counted a smaller number and the second counted a larger number, they do not conflict at all, as the smaller number is included in the larger one.

הדרן עלך מי שאמר

NOTES

With regard to a stringent case Rav said – חֲמִירְתָּא אֲמַר רַב: This statement is difficult to understand, as Rav had not been cited previously in this discussion. The Commentary on *Nazir* explains that this stringency of Rav is referring to the statement cited in his name in the Jerusalem Talmud, that contradictory testimony of two sets of witnesses in this format is also considered to be divided. Most commentaries, however, omit the words: Rav said, and have a text that reads: Now that he said with regard to a stringency, with regard to a leniency, did he not say? In other words, if the witness who said: Three, four, and five terms, was stringent with the accused to such an extent, his testimony would certainly include the more lenient one and two terms as well (*Tosafot*; Rosh). The Meiri explains similarly, only he reads it as a suggestion made by the Gemara: Perhaps this witness stated only what he was adding to the testimony of his colleague, and did not find it necessary to repeat the number the other had already specified.

They say in the West, Eretz Yisrael – אָמְרִי בְּמַעֲרָבָא: Some commentaries explain that the statement taught in Eretz Yisrael does not refer to Rav's *halakha* in particular, but is a general statement that two witnesses who give a count are not considered to contradict one another, even if one counts a larger number than the other. This is the explanation of the Commentary on *Nazir*, and fits the standard text of the Gemara.

The parallel discussion in the Jerusalem Talmud cites a dispute of *amora'im* in this matter. Rav says that they only disagreed with regard to witnesses who state the sum total, for example, if one says two and other says five, but if they give a count everyone agrees that the larger number includes the smaller one. By contrast, Rabbi Yoḥanan claims that the dispute only concerns witnesses who count, whereas if they just state a number all agree that their testimonies conflict. The Jerusalem Talmud therefore offers support for Rav Ḥama's opinion. This also means that the Gemara is referring to the statement in the Jerusalem Talmud when it says that in Eretz Yisrael they said, citing Rav, that witnesses who count are not considered to contradict one another.

BACKGROUND

The West – מַעֲרָבָא: In the Babylonian Talmud, Eretz Yisrael is referred to as the West, since it is southwest of Babylonia. In later periods, the customs in Israel were referred to as Western, as opposed to the Eastern customs of Babylonia.

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Summary of **Perek III**

In a standard term of naziriteship, the nazirite shaves on the day after the close of his term, the thirty-first day. One who shaved on the final day of his term, the thirtieth day, has fulfilled his obligation. If one vowed to observe two consecutive terms of naziriteship, he shaves for the end of the second term on the sixty-first day from the start of the first term, as that is the thirty-first day of the second term. If one shaved for the first term on the thirtieth day, then even if he shaved for the second term on the fifty-ninth day, he has fulfilled his obligation.

This chapter considered different possibilities with regard to the negation of the tally of the days of naziriteship due to ritual impurity from a corpse. If a nazirite comes into contact with a corpse during his term, the impurity negates the days he had observed of his naziriteship. After completing the purification process, the nazirite shaves and begins counting his term anew. The Gemara rules that this *halakha* applies even if one became impure on the final day of his term. On the other hand, if one contracts impurity on the day following the end of the term, before he has brought his offerings, only thirty days are negated, even if the original term was much longer.

If one who had contracted impurity from a corpse, for example one who was standing in a cemetery, took a vow of naziriteship, the naziriteship takes effect immediately with regard to the prohibition against drinking wine or cutting hair, but he begins counting the days of his term only once he completes his purification process.

A nazirite who became impure may only start to count his term again once the blood from his sin-offering has been sprinkled on the altar.

If one residing outside Eretz Yisrael vowed to observe a term of naziriteship and then observed the entire term outside of Eretz Yisrael, he must observe his term again upon arriving in Eretz Yisrael. This *halakha* applies even if the vow comprised multiple terms or a lengthy term. The reason for this is that naziriteship kept outside of Eretz Yisrael is considered to be one observed in ritual impurity.

Finally, should one vow to keep several terms of naziriteship but forget how many terms he vowed to complete, and witnesses provide conflicting reports as to what he said, the testimony of the set of witnesses who say the smaller amount is accepted.

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Introduction to **Perek IV**

Speak to the children of Israel, and say to them: When either man or woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord.

(Numbers 6:2)

This chapter deals with many, varied topics relating to naziriteship. Some of these are novel issues, while other matters have been addressed earlier in the tractate. The underlying theme of these disparate discussions is the naziriteship of women, as the analysis of women's naziriteship sheds light on the institution as a whole. There are two unique factors involved in the case of a woman who vows to become a nazirite. First, this vow shares a feature common to all vows of a woman, which is the right of her father or husband to nullify the vow. This nullification has further ramifications if another person linked his naziriteship vow to that of this woman before her father or husband nullified it. Additionally, it must be established what is to be done in the case of a woman who intentionally violates a vow that has been nullified without her knowledge, and what becomes of the animals that have been set aside as offerings for this vow. Finally, at what point during the term of naziriteship is the option to nullify a woman's vow no longer available to her father or husband?

A second dimension of a woman's naziriteship concerns two *halakhot* that are not explicitly stated in the Torah. A father has the right to establish his minor son as a nazirite and thereby obligate him in all of the restrictions of naziriteship. Furthermore, under certain circumstances, a son may make use of the animals his father set aside for his naziriteship offerings if the father dies and he and the son were both nazirites. The Sages determined that these *halakhot* apply to sons but not to daughters, and to fathers rather than mothers.

Despite the fact that most of the issues raised in this chapter are not limited to women, the applications of these *halakhot* to women serve as starting points for general discussions about naziriteship.

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מתני׳ מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״. ״וַאֲנִי״ – כּוּלָּם נְזִירִים. הוּפַר הָרִאשׁוֹן – הוּפְרוּ כּוּלָּן. הוּפַר הָאַחֲרוֹן – הָאַחֲרוֹן מוּפָר, וְכוּלָּם אֲסוּרִין. אָמַר ״הֲרֵינִי נָזִיר״. וְשָׁמַע חֲבֵירוֹ וְאָמַר ״פִּי כְּפִיו וּשְׂעָרִי כִּשְׂעָרוֹ״ – הֲרֵי זֶה נָזִיר.

MISHNA With regard to **one who said: I am hereby a nazirite, and another heard** this vow **and said: And I,**[H] and a third person added: **And I, they are all nazirites.** If the vow of **the first was dissolved** by a halakhic authority, **they are all dissolved.**[H] However, if the vow of **the last** individual **was dissolved** by a halakhic authority, the vow of **the last** individual alone **is dissolved, and all** the others remain **bound** by their nazirite vows. If someone **said: I am hereby a nazirite, and another heard and said: My mouth is like his mouth**[H] **and my hair is like his hair, he is a nazirite.**

״הֲרֵינִי נָזִיר״. וְשָׁמְעָה אִשְׁתּוֹ וְאָמְרָה ״וַאֲנִי״ – מֵיפֵר אֶת שֶׁלָּהּ, וְשֶׁלּוֹ קַיָּם. ״הֲרֵינִי נְזִירָה״. וְשָׁמַע בַּעְלָהּ וְאָמַר ״וַאֲנִי״ – אֵינוֹ יָכוֹל לְהָפֵר. ״הֲרֵינִי נָזִיר וְאַתְּ״. וְאָמְרָה ״אָמֵן״ – מֵיפֵר אֶת שֶׁלָּהּ, וְשֶׁלּוֹ קַיָּם. ״הֲרֵינִי נְזִירָה וְאַתָּה״ וְאָמַר ״אָמֵן״ – אֵינוֹ יָכוֹל לְהָפֵר.

If one said: **I am hereby a nazirite, and his wife heard** him **and said: And I,**[H] he can **nullify her** vow of naziriteship if he so chooses (see Numbers 30:7–16). **But his** vow remains **intact,** as his naziriteship is not dependent on hers. However, if the wife said: **I am hereby a nazirite, and her husband heard**[H] **and said: And I, he cannot nullify** her vow of naziriteship, as he would thereby be nullifying his own vow, which he made dependent on hers, and he does not have the ability to nullify his own vow. If he said to his wife: **I am hereby a nazirite, and you,**[NH] i.e., you shall be a nazirite as well, **and she said: Amen,** in acceptance of this vow, **he can nullify her** vow, **and his** vow remains **intact.** However, if the wife said: **I am hereby a nazirite, and you,**[H] **and he said: Amen, he cannot nullify** her vow.

NOTES

I am hereby a nazirite and you – הֲרֵינִי נָזִיר וְאַתְּ: In other words, he is saying: I am hereby a nazirite, and you, do you agree to be a nazirite? He must ask her permission, as one cannot bind one's wife by a vow against her will (*Tosafot*).

HALAKHA

And another heard this vow and said: And I – וְשָׁמַע חֲבֵירוֹ וְאָמַר וַאֲנִי: If one said: I am hereby a nazirite, and another heard him and added: And I, and a third person also said: And I, all within the time needed for speaking a short phrase, they are all nazirites. Even one hundred people can vow in this manner, in accordance with the conclusion of the Gemara (21a) that each must speak within the required measure of time from the previous person's statement, not that of the one who uttered the initial vow. The same *halakha* applies to vows in general (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4, and see *Hilkhot Nedarim* 3:3; *Shulḥan Arukh*, *Yoreh De'a* 204:3, 239:10).

If the vow of the first was dissolved by a halakhic authority, they are all dissolved, etc. – הוּפַר הָרִאשׁוֹן הוּפְרוּ כוּלָּן וכו׳: In a case in which one person vowed, and another heard him and within the time needed for speaking a short phrase, said: And I, and a third individual did the same, if the vow of the first one was dissolved, all the vows are dissolved. If the second one had his vow dissolved, his vow and those of the people who came after him are dissolved. If the vow of the last one was dissolved, it alone is dissolved (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:9; *Shulḥan Arukh*, *Yoreh De'a* 229:3).

And said, my mouth is like his mouth, etc. – וְאָמַר פִּי כְּפִיו וכו׳: If one took a vow of naziriteship and another heard him and said: My mouth is like his mouth with regard to wine, or: My hair is like his hair with regard to cutting, he is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4).

And his wife heard and said, and I – וְשָׁמְעָה אִשְׁתּוֹ וְאָמְרָה ״וַאֲנִי״: If a husband vowed and his wife also vowed by associating herself with his vow, he may nullify her vow while his remains intact (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:11–12; *Shulḥan Arukh*, *Yoreh De'a* 234:53).

I am hereby a nazirite, and her husband heard, etc. – הֲרֵינִי נְזִירָה, וְשָׁמַע בַּעְלָהּ וכו׳: If a wife vowed and her husband vowed by associating himself with her vow, he can no longer nullify her vow, as he is considered to have upheld it (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:11; *Shulḥan Arukh*, *Yoreh De'a* 229:52).

I am hereby a nazirite and you – הֲרֵינִי נָזִיר וְאַתְּ: If a man says to his wife: I am hereby a nazirite, and will you be a nazirite like me, and she says: Amen, he may nullify her vow. This ruling is in accordance with the mishna, as explained in the Jerusalem Talmud and elsewhere (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:14; *Shulḥan Arukh*, *Yoreh De'a* 229:54).

I am hereby a nazirite and you – הֲרֵינִי נְזִירָה וְאַתָּה״: If a woman says to her husband: I am hereby a nazirite and you, and he replies: Amen, he can no longer nullify her vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:14; *Shulḥan Arukh*, *Yoreh De'a* 229:54).

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PERSONALITIES

Rabbi Yehuda Nesia – רַבִּי יְהוּדָה נְשִׂיאָה: Rabbi Yehuda Nesia was the son of Rabban Gamliel, who was the son of Rabbi Yehuda HaNasi. He was called Nesia to differentiate him from his illustrious grandfather, the redactor of the Mishna. One of the earliest *amora'im* in Eretz Yisrael, he was a colleague of Rabbi Yehuda HaNasi's great students. His own students included Rabbi Yoḥanan and Reish Lakish.



Grave of Rabbi Yehuda Nesia, Tzippori

HALAKHA

How much is: Within the time required for speaking – כַּמָּה תּוֹךְ כְּדֵי דִּיבּוּר: How long is the time frame known as: Within the time required for speaking? It is the time it takes for a student to greet his rabbi with the phrase: *Shalom alekha rabbi*, meaning: Peace upon you, rabbi. In many areas of *halakha*, anything one says within this time frame is considered part of his initial statement (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 2:17–19, and see *Sefer HaMadda*, *Hilkhot Talmud Torah* 5:5).

גמ׳ יְתֵיב רֵישׁ לָקִישׁ קַמֵּיהּ דְּרַבִּי יְהוּדָה נְשִׂיאָה, וִיתֵיב וְקָאָמַר: וְהוּא שֶׁהִתְפִּיסוּ כּוּלָּן בְּתוֹךְ כְּדֵי דִּיבּוּר. וְכַמָּה תּוֹךְ כְּדֵי דִּיבּוּר – כְּדֵי שְׁאֵלַת שָׁלוֹם, וְכַמָּה כְּדֵי שְׁאֵלַת שָׁלוֹם – כְּדֵי שֶׁאוֹמֵר שָׁלוֹם תַּלְמִיד לְרַב.

GEMARA **Reish Lakish sat before Rabbi Yehuda Nesia,**[P] **and he sat and said** in explanation of the mishna: **And this** *halakha*, that they are all nazirites, applies only **when they all** took a vow by **associating** themselves with the previous vow **within the time required for speaking** a short phrase. The Gemara asks: **And how much** time is included in the measure of: **Within the time required for speaking**[H] a short phrase?[N] The Gemara answers: It is the time necessary **for greeting** someone. The Gemara asks: **And how much is** the time necessary **for greeting** someone? The Gemara answers that it is the time necessary **for a student to say: Peace** upon you, my teacher, **to** his **rabbi.**

אָמַר לֵיהּ: תּוּב לָא שָׁבְקַתְּ רַוּוחָא לְתַלְמִידָא.

Rabbi Yehuda Nesia **said to** Reish Lakish: **Once again you have provided no advantage to a student**[N] who wishes to associate himself with the naziriteship of another. If the student's rabbi was passing by at the precise moment that his colleague was vowing to be a nazirite, he would have to greet his rabbi first, and therefore he would not be able to respond to his colleague's vow in time.

NOTES

Within the time required for speaking a short phrase – תּוֹךְ כְּדֵי דִּיבּוּר: Some maintain that the statement of the first person can be effectively followed with the phrase: And I, by only two more would-be nazirites, because any subsequent statements would be too far removed from the initial nazirite vow (Commentary on *Nazir*). Others add that in the opinion of Reish Lakish, all greetings, including that of a student to his rabbi, consist of the two words: *Shalom alekha*, peace upon you, which corresponds to two mentions of the single word: *Va'ani*, and I (Rid).

However, others contend that a greeting includes the three words that follow the initial declaration: I am hereby a nazirite, in accordance with the statement of the Gemara elsewhere that a student greets his rabbi with the three words: *Shalom alekha rabbi* (*Tosafot*). If so, Reish Lakish is of the opinion that three people can associate themselves with the naziriteship of the first one. Alternatively, Reish Lakish rules that even a fourth person can become a nazirite by saying: *Va'ani*, as the time needed for speaking is the period it takes for the student to return to his previous topic after saying: *Shalom alekha rabbi* (*Tosefot HaRosh*, citing Rabbeinu Tam; Rabbeinu Peretz).

You have provided no advantage to a student – לָא שָׁבְקַתְּ רַוּוחָא לְתַלְמִידָא: Some say that Rabbi Yehuda Nesia agrees with Reish Lakish but simply points out that a student cannot associate himself with the naziriteship of another if he has to greet his rabbi first (Commentary on *Nazir*). This explains why Reish Lakish does not reply to this comment. Other early commentaries maintain that not only is Rabbi Yehuda Nesia questioning Reish Lakish's opinion, he is actually presenting an opposing ruling. However, the precise meaning of his statement is a matter of dispute.

Some explain Rabbi Yehuda Nesia's opinion as follows: If only two words can be added, this is not enough for a student to honor his rabbi; rather, it must be that a student greets his rabbi with three words: *Shalom alekha rabbi*. Similarly, three people can associate themselves with the vow of the first one by saying the word *va'ani*, meaning: And I (*Nusḥat HaRivan*). Others state that Rabbi Yehuda Nesia contends that a student who greets his rabbi in the full manner must be given the chance to associate himself with the vow of another who took a nazirite vow as the rabbi walked by. Consequently, even four words are considered to be related to the initial vow, and therefore four people can link their vows to that of the first (*Tosafot*).

Alternatively, Rabbi Yehuda Nesia means that a student must be granted a certain pause to breathe before he says: And I, and one should not be too particular about the time this takes; he can vow by associating himself with the naziriteship of another even after a lengthier gap. This is no worse than intimations of naziriteship, e.g., when one says: I shall be, when a nazirite passes before him, in which case he becomes a nazirite (*Tosefot HaRosh*, citing Rabbeinu Tam; Rabbeinu Peretz). Yet others suggest that Rabbi Yehuda Nesia considers the time needed for speaking a short phrase to be significant only in that one may retract a statement within this time period.

With regard to other *halakhot*, such as association of vows, it is enough if they are still discussing the same issue (*Meromei Sadeh*). Another possibility is that Rabbi Yehuda Nesia maintains that each person refers to the vow of the person who precedes him, rather than that of the first one. Consequently, even one hundred people can all become nazirites in this manner, each by associating himself with the naziriteship of the previous one (Rid).

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תַּנְיָא נַמִּי הָכִי: מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״ וְשָׁמַע חֲבֵירוֹ, וְשָׁהָה כְּדֵי דִּבּוּר, וְאָמַר ״וַאֲנִי״ – הוּא אָסוּר וַחֲבֵירוֹ מוּתָּר. וְכַמָּה כְּדֵי דִּבּוּר – כְּדֵי שְׁאֵילַת שָׁלוֹם תַּלְמִיד לְרַב.

This is also taught in a *baraita*: In the case of **one who said: I am hereby a nazirite, and another heard** him **and waited the time required for speaking** a short phrase **and** then **said: And I,** the first person **is bound** by his vow **and the other is permitted,** as too much time passed between their respective vows. **And how much** time is **the time required for speaking?** It is the time necessary **for a student** to **inquire** after **the welfare** of his **rabbi.**

לִימָא מְסַיְּיעָא לֵיהּ: מִי שֶׁאָמַר ״הֲרֵינִי נָזִיר״ וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״ ״וַאֲנִי״ וְתוּ לָא. תַּנָּא כִּי רוֹכְלָא לִיחְשֵׁיב וְלֵיזִיל!

The Gemara suggests: **Shall we say that** the mishna **supports** Reish Lakish's opinion? As it is taught: In the case of **one who said: I am hereby a nazirite, and another heard him and said: And I,** and a third person heard him and said: **And I,** they are all nazirites. The mishna mentions: And I, twice **and no more,**[N] which indicates that only two people can associate themselves with the vow of the first one. The reason for this must be because too much time has passed since the first person spoke. The Gemara rejects this argument: This is no proof, as **should the *tanna* have continued reckoning** cases **like a peddler,** who announces his wares over and over again, by repeating: And I, and I, over and over again?

וְלֵיתְנֵי חַד וְלַשְׁמָעִינַן תָּנֵי! הָכָא נַמִּי, וּמִשּׁוּם דְּקָתָנֵי סֵיפָא ״הוּתַּר הָרִאשׁוֹן הוּתְּרוּ כּוּלָּן, הוּתַּר הָאַחֲרוֹן – הָאַחֲרוֹן מוּתָּר וְכוּלָּן אֲסוּרִין״. מִכְּלָל דְּאִיכָּא אֶמְצָעִי – וּמִשּׁוּם הָכִי קָתָנֵי ״וַאֲנִי״ ״וַאֲנִי״.

The Gemara raises a difficulty: **But** if the *tanna* wishes to be concise, **let him teach** only **one** example, **and teach us these** other cases of others who say: And I, by means of a single example. The Gemara answers: **Indeed,** this is in fact correct, **but because** the *tanna* **teaches in the latter clause:** If the vow of **the first was dissolved** by a halakhic authority then **they are all dissolved,** but if the vow of **the last** individual **was dissolved** by a halakhic authority then the vow of **the last** individual **is dissolved and all** the others remain **bound** by their vow, one may conclude **by inference that there is a middle** person between the first and the last. **And due to that** reason the *tanna* **teaches: And I, and I,** so that the case would include three people, but not because a fourth person is unable to associate himself with the vow of the first in the same manner.

אִיבַּעְיָא לְהוּ: חַד בְּחַבְרֵיהּ מִיתְפַּס, אוֹ דִלְמָא בְּקַמָּא מִיתְפַּסִי? לְמַאי נָפְקָא מִינָּהּ – לְאַתְפּוּסֵי וּמֵיזַל. אִי אָמְרַתְּ חַד בְּחַבְרֵיהּ מַתְפֵּיס – מִתְפְּסִין וְאָזְלִין לְעוֹלָם. וְאִי אָמְרַתְּ בְּקַמָּא מִתְפְּסִי – טְפֵי מִכְּדֵי דִּבּוּר לָא מִתְפְּסִין, מַאי?

With regard to the same issue, **a dilemma was raised before** the Sages: Does each **one** take a vow by **associating** himself **with** the vow of **the other,**[N] i.e., the individual who spoke immediately before him, **or perhaps they** all **associate** themselves **with** the vow of **the first** one? The Gemara asks: **What difference is there?** The Gemara answers that the difference is whether an unlimited number of people **can continue to associate** themselves with the vows. **If you say** that each **one associates** himself **with** the vow of **the other** who spoke immediately before him, others can **continue to associate** themselves with these vows **forever,** provided that they each do so immediately after the previous individual. **And if you say they** all **associate** themselves **with** the vow of **the first** one, **they may not associate** themselves with the vow if **more** time has elapsed **than** the time **required for speaking** a short phrase since the vow of the first individual. **What** is the answer to this dilemma?

תָּא שְׁמַע: ״הֲרֵינִי נָזִיר״ וְשָׁמַע חֲבֵירוֹ וְאָמַר ״וַאֲנִי״ ״וַאֲנִי״ – וְתוּ לָא מִידֵּי. שְׁמַע מִינָּהּ: בְּקַמָּא הוּא דְּמִתְפְּסִי. דְּאִי סָלְקָא דַּעְתָּךְ חַד בְּחַבְרֵיהּ מִיתְפַּס – לִיתְנֵי טוּבָא ״וַאֲנִי״. תַּנָּא כִּי רוֹכְלָא לִיחְשֵׁיב וְלֵיזִיל?!

The Gemara suggests: **Come** and **hear** a proof from the mishna: With regard to one who said: **I am hereby a nazirite, and another heard** this vow **and said: And I,** and a third person added: **And I,** they are all nazirites. The mishna mentions only two individuals who associated themselves with the initial vow, **and no more. Learn from this that they** all **associated** themselves **with** the vow of **the first** one, **as, if it should enter your mind** that each **one associates** himself **with** the vow of **the other** who came immediately before, **let** the mishna **teach: And I, many** times. The Gemara answers as before: This is no proof, as **should the *tanna* have continued reckoning** cases **like a peddler?** It was enough for him to state: And I, twice.

NOTES

And I, and I, and no more – וַאֲנִי וַאֲנִי וְתוּ לָא: Some commentaries infer from here that only two people can associate themselves with someone's vow (Commentary on *Nazir*). As stated previously, others maintain that up to three people can do so (*Tosafot*). They explain the Gemara as follows: Had the mishna mentioned: And I, three times, this would not have taught anything novel. There is no reason to differentiate between the second and third person, since they all spoke within the time needed for speaking of the first person. However, had the mishna been taught in accordance with the opinion of Rabbi Yehuda Nesia, it should have stated: And I, four times, as the fourth person responds slightly beyond the minimum time needed for speaking.

Some say that according to the explanation of Rabbeinu Tam the mishna should have stated: And I, five times, to stress that it is not necessary to respond within the time needed for speaking at all (*Tosefot HaRosh*; see Rabbeinu Peretz).

Does each one take a vow by associating himself with the vow of the other – חַד בְּחַבְרֵיהּ מִיתְפַּס: The early commentaries disagree as to whether the Gemara's question applies to the opinion of Reish Lakish (*Tosefot HaRosh*, based on Rabbeinu Tam), or whether it does not apply to his opinion (Commentary on *Nazir*), or if the Gemara is attempting to decide whether the *halakha* is in accordance with his opinion (Rid).

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וְלִיתְנֵי חַד, וְלַשְׁמְעִינַן כּוּלְּהוֹן! אַיְידֵי דְּקָתָנֵי: הוּתַּר הָרִאשׁוֹן – הוּתְּרוּ כּוּלָּן, הוּתַּר הָאַחֲרוֹן – הָאַחֲרוֹן מוּתָּר וְכוּלָּן אֲסוּרִין, מִכְּלָל דְּאִיכָּא אֶמְצָעִי – מִשּׁוּם הָכִי קָתָנֵי "וַאֲנִי" "וַאֲנִי".

The Gemara asks: **But** if the *tanna* wished to avoid repeating: And I, so many times, **let him teach** it only **once, and we** would **learn** that **they** are **all** nazirites based on that example. The Gemara answers: **Since** the *tanna* **teaches** in the latter clause: If the vow of **the first was dissolved** by a halakhic authority then **they are all dissolved,** but if the vow of **the last** individual **was dissolved** by a halakhic authority then the vow of **the last** individual **is dissolved and all** the others remain **bound** by their vows, one may conclude **by inference that there is a middle** person between the first and the last. It is **due to that** reason that the *tanna* **teaches: And I, and I,** so that the case would include three people, but not because a fourth person is unable to associate himself with the vow of the first in the same manner.

תָּא שְׁמַע: הוּתַּר הָרִאשׁוֹן – הוּתְּרוּ כּוּלָּן, רִאשׁוֹן הוּא דְּשָׁרוּ, הָא אֶמְצָעִי – לָא, שְׁמַע מִינָּהּ: בְּקַמָּא מִתְּפִסִין.

The Gemara suggests: **Come** and **hear** a proof from the mishna: If the vow of **the first** individual **was dissolved, they are all dissolved.** This indicates that **it is** only if the **first** one was **dissolved** that they are all considered dissolved. **However,** if the vow of the **middle** person was dissolved, **no,** the vows of the individuals following him are not considered dissolved. **Learn from this** that they all **associated** themselves **with** the vow of **the first** one.

אֵימָא לָךְ: לְעוֹלָם חַד בְּחַבְרֵיהּ מִתְּפִיס, וַאֲיִידֵי דְּבָעֵי מֵיתְנָא הוּתְּרוּ כּוּלָּן, דְּאִי תְּנָא אֶמְצָעִי אִיכָּא רִאשׁוֹן דְּלָא מִשְׁתְּרֵי, מִשּׁוּם הָכִי קָתָנֵי רִאשׁוֹן.

The Gemara refutes this argument: **I** could **say to you** that **actually, each associates** himself **with** the vow of **the other** who immediately preceded him, and therefore if the vow of the middle person was dissolved, the vows of all those who came after him are also dissolved. **But since** the *tanna* **wanted to teach: They are all dissolved,** and **had he taught** the case where the vow of **the middle** individual was dissolved, he would have had to state that **there is** still the vow of the **first** individual **that is not dissolved,** because his vow is not dependent on that of the middle one. **Due to that** reason the *tanna* **teaches** the case where the vow of the **first one** was dissolved. Consequently, no proof can be brought from here.

תָּא שְׁמַע: הוּתַּר הָאַחֲרוֹן – הָאַחֲרוֹן מוּתָּר וְכוּלָּן אֲסוּרִין, דְּלָא אִיכָּא אַחֲרִינָא בַּתְרֵיהּ. אֲבָל אֶמְצָעִי, דְּאִיכָּא אַחֲרִינָא בַּתְרֵיהּ – מִשְׁתְּרֵי. שְׁמַע מִינָּהּ: חַד בְּחַבְרֵיהּ מִתְּפִיס.

The Gemara suggests another proof from the mishna: **Come** and **hear:** If **the last was dissolved, the last is dissolved and they are all bound** by their vows. It can be inferred from here that only in that case is the vow of the last one alone dissolved, **as he is not followed by anyone. However,** if the dissolved vow was of the **middle one, who is followed by someone else,** the vow of the last one who comes after him **is** also **dissolved.** One can **learn from this** that each **one associates** himself **with** the vow of **the other** individual.

לְעוֹלָם אֵימָא לָךְ בְּקַמָּא מִיתְּפִסִין, וּמַאי אַחֲרוֹן דְּקָתָנֵי – אֶמְצָעִי, וְאַיְידֵי דְּתְנָא רִאשׁוֹן – תְּנָא אַחֲרוֹן.

The Gemara rejects this claim as well: **Actually, I** could **say to you that they** all **associate** themselves **with** the vow of **the first** one, **and what is** the meaning of: The **last one, that** the mishna **teaches?** It means **the middle** one, the dissolution of whose vow does not cause the vow of the person who followed him to be dissolved. **And** why is the middle one called the last one? **Since** the *tanna* earlier **taught: First,** here **he taught: Last,** despite the fact that he is referring to the middle one.

תָּא שְׁמַע, דְּתַנְיָא בְּהֶדְיָא: הוּתַּר הָרִאשׁוֹן – הוּתְּרוּ כּוּלָּן, הוּתַּר הָאַחֲרוֹן – הָאַחֲרוֹן מוּתָּר וְכוּלָּן אֲסוּרִין, הוּתַּר אֶמְצָעִי – הֵימֶנּוּ וּלְמַטָּה מוּתָּר, הֵימֶנּוּ וּלְמַעְלָה אָסוּר. שְׁמַע מִינָּהּ: חַד בְּחַבְרֵיהּ מִתְּפִיס, שְׁמַע מִינָּהּ.

The Gemara further suggests: **Come** and **hear, as it is taught** in a *baraita* **explicitly:** If **the first** one **is dissolved, they are all dissolved;** if **the last** one **is dissolved, the last** one **is dissolved and they are all bound** by their vows. **If** the **middle** one **is dissolved,**[H] the vows of anyone **from him and after** him **are dissolved;** those who vowed **from him and before** him are **bound** by their vows. One can **learn from this** that **each associates** himself with the vow of **the other** individual.[H] The Gemara concludes: **Learn from this** that it is so.

"הֲרֵינִי נָזִיר וְשָׁמַע חֲבֵירוֹ וְאָמַר פִּי כְּפִיו וּשְׂעָרִי כִּשְׂעָרוֹ" וכו'. מִשּׁוּם דְּאָמַר "פִּי כְּפִיו וּשְׂעָרִי כִּשְׂעָרוֹ" הֲרֵי נָזִיר?

§ The mishna taught that one stated: **I am hereby a nazirite, and** if **another heard and said, my mouth is like his mouth, and my hair is like his hair,** he is a nazirite. The Gemara asks: Just **because he said: My mouth is like his mouth and my hair is like his hair,** is **he a nazirite?**

HALAKHA

The middle one is dissolved, etc. – הוּתַּר אֶמְצָעִי וכו': In a case where one vowed, and another heard him and added: And I, within the time needed for speaking, and a third also said: And I, within the time needed for speaking of the second, if the vow of the first individual was nullified then all their vows are nullified. If the vow of the last one was nullified then only his vow is nullified and those of the others are valid. If the vow of the second person was nullified, then his and the vow of the last one are dissolved, while the first individual remains bound by his vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 4:9; *Shulḥan Arukh*, *Yoreh De'a* 229:3).

Each associates himself with the vow of the other individual – חַד בְּחַבְרֵיהּ מִתְּפִיס: If one vowed to be a nazirite and another heard him and added: And I, within the time needed for speaking, and a third said the same statement within the time needed for speaking of the second, and likewise a fourth and a fifth, even as many as one hundred, they are all nazirites. This is in accordance with the conclusion of the Gemara that each individual associates himself with the vow of the other person (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4 and *Hilkhot Nedarim* 3:3).

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וּרְמִינְהוּ: ״יָדַי נְזִירָה״ וְ״רַגְלַי נְזִירָה״ – לֹא אָמַר כְּלוּם: ״רֹאשִׁי נְזִירָה״ ״כְּבֵדִי נְזִירָה״ – הֲרֵי זֶה נָזִיר. זֶה הַכְּלָל: דָּבָר שֶׁהַנְּשָׁמָה תְּלוּיָה בּוֹ – הֲרֵי זֶה נָזִיר!

And the Gemara **raises a contradiction** against this. If one said: **My hand is a nazirite,**[H] **and** similarly, if he said: **My foot is a nazirite, he has not said anything** of consequence. However, if he said: **My head is a nazirite,** or: **My liver is a nazirite, he is a nazirite. This is the principle:** If one accepted naziriteship by means of **an entity upon which life depends,** i.e., a limb or a body part that he cannot survive without, **he is a nazirite.** Conversely, if he mentioned part of the body that is not essential for life, he is not a nazirite. In this case, as he referred to his hair, which is certainly not a vital part of him, he should not be a nazirite.

אָמַר רַב יְהוּדָה: דְּאָמַר הָכִי: יֵעָשֶׂה פִּי כְּפִיו מִיַּין, וּשְׂעָרִי כִּשְׂעָרוֹ מִלָּגוֹז.

Rav Yehuda said that it means **that he said like this;** this is what he intended: **Let my mouth be like his mouth**[N] with regard to abstention **from wine,**[H] **and my hair** be **like his hair** with regard to abstention **from cutting** it.

״הֲרֵינִי נְזִירָה וְשָׁמַע בַּעְלָהּ וְאָמַר וַאֲנִי אֵינוֹ יָכוֹל לְהָפֵר״. אִיבַּעְיָא לְהוּ: בַּעַל מְיַעֵקַר עָקַר, אוֹ דִלְמָא מֵיגַז גֵּייז? לְמַאי נָפְקָא מִינָּהּ?

§ The mishna taught that if a woman said: **I am hereby a nazirite, and her husband heard and said: And I, he cannot nullify** her vow. **A dilemma was raised before** the Sages: When **a husband** nullifies the vow of his wife, does he **uproot** his wife's vow, making it as though she never vowed, **or perhaps** he merely **severs**[H] her vow from that point onward, but her vow was still in effect until he nullified it? The Gemara asks: **What difference is there**[N] resulting from this dilemma?

לְאִשָּׁה שֶׁנָּדְרָה בִּנְעוּרֶיהָ, וְשָׁמְעָה חֲבֵרְתָּהּ וְאָמְרָה ״וַאֲנִי״. וְשָׁמַע בַּעְלָהּ שֶׁל רִאשׁוֹנָה וְהֵפֵר לָהּ; אִי אָמְרַתְּ מְיַעֵקַר עָקַר – הַהִיא נַמִּי אִישְׁתַּרַאי, וְאִי אָמְרַתְּ מֵיגַז גֵּייז – אִיהִי אִישְׁתַּרַאי, חֲבֵרְתָּהּ אַסִּירָא. מַאי?

The Gemara explains that the difference is **with regard to a woman who vowed to be a nazirite, and another** woman **heard and said: And I, and the husband of the first** woman **heard and nullified her** vow. **If you say** that the husband **uproots** the vow entirely, the vow of **that** second woman should **also be dissolved,** as she associated herself with a non-existent vow. **And if you say** he **severs** it from this point, the vow of his wife **is dissolved,** but the **other** woman remains **bound** by her vow, as the first vow was intact when she associated herself with it. **What,** then, is the answer to this dilemma?

תָּא שְׁמַע: ״הֲרֵינִי נְזִירָה״ וְשָׁמַע בַּעְלָהּ וְאָמַר ״וַאֲנִי״ – אֵינוֹ יָכוֹל לְהָפֵר. וְאִי סָלְקָא דַּעְתָּךְ בַּעַל מֵיגַז גֵּייז – לֵיפֵר לְאִישְׁתּוֹ, וְהוּא לִיתַּסַּר! אֶלָּא לָאו שְׁמַע מִינָּהּ – בַּעַל מְיַעֵקַר עָקַר!

The Gemara suggests: **Come** and **hear** the statement of the mishna: If she said: **I am hereby a nazirite, and her husband heard and said: And I, he cannot nullify** her vow. **And if it should enter your mind** that the **husband severs** the vow from that moment onward, **let him nullify** the vow **for his wife and he will** remain **bound** by his vow,[N] since if the vow is not nullified retroactively, her vow was intact when he associated himself with it. **Rather,** must one **not conclude from** the mishna that **the husband uproots** the vow entirely, which means he would also uproot his own vow by nullifying hers, and that is why he is unable do so?

HALAKHA

My hand is a nazirite, etc. – יָדַי נְזִירָה וכו׳: One who says: My hand is a nazirite, or: My foot is a nazirite, his statement is of no consequence. If he said: My head is a nazirite, or: My liver is a nazirite, he is a nazirite. This is the principle: If he mentions any limb whose removal would lead to his death, he is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:16).

Let my mouth be like his mouth with regard to abstention from wine – יֵעָשֶׂה פִּי כְּפִיו מִיַּין: If one vowed to be a nazirite and another said: My mouth is like his mouth with regard to wine, or: My hair is like his hair with regard to cutting, the second person is also a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:4).

He severs – מֵיגַז גֵּייז: When a husband or father nullifies the vow of a wife or daughter he does not uproot it retroactively but merely from that moment onward. Consequently, if a wife vowed and another person took a vow by associating himself with her vow, and her husband subsequently nullified her vow, her vow is dissolved but the second person remains bound by his vow. The *Shakh* explains the Rambam's opinion, as his wording indicates the opposite conclusion (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 13:2; *Shulḥan Arukh*, *Yoreh De'a* 234:51, 37).

NOTES

Let my mouth be like his mouth – יֵעָשֶׂה פִּי כְּפִיו: Some commentaries explain that he explicitly adds: With regard to the prohibition of wine (Commentary on *Nazir*). The reason the vow takes effect is that he himself can vow by saying: Let my mouth be prohibited from wine, etc., and therefore he can associate himself with the vow of another in a similar manner (Rabbi Avraham min HaHar). Others maintain that even if he did not actually mention wine, as his friend has just vowed naziriteship he clearly intends to prohibit himself from consuming wine and shaving, like the other person (*Tosafot*). This is no worse than intimations of naziriteship (see Chapter One).

What difference is there – לְמַאי נָפְקָא מִינָּהּ: The commentaries point out that the Gemara could have added further differences, e.g., whether a woman is liable to receive lashes for drinking wine if her husband later nullifies her vow, and likewise whether she must bring the offerings of an impure nazirite if she became ritually impure before he nullifies the vow (*Tosafot*). Some commentaries explain that the Gemara stated this particular difference of one woman stating: And I, after hearing the vow of naziriteship of another woman because it involves the extension of a vow, and the Gemara wanted to cite a similar proof from the mishna (Rabbi Avraham min HaHar).

Let him nullify for his wife and he will remain bound by his vow – לֵיפֵר לְאִישְׁתּוֹ וְהוּא לִיתַּסַּר: The plain meaning of this statement is that if the husband merely severs the vow from this point onward, since she was a nazirite beforehand he can nullify her vow without affecting his own. However, if the husband uproots the vow entirely he would thereby be attempting to uproot his own vow, which he made dependent on hers, and one cannot, or according to the opinion of *Tosafot* may not, nullify his own vow in any manner.

Some commentaries ask: This principle that one cannot nullify his own vows applies only to one who vows and then nullifies the vow himself. By contrast, in this case the husband did not nullify his vow but merely that of his wife. Although it is true that ultimately he nullifies his own vow as well, there is no reason why this should prevent him from nullifying his wife's vow or why this act should be prohibited (*Tosafot*). Consequently, they suggest a more complex interpretation: If the husband uproots the vow, his statement: And I, must be considered a confirmation of her vow, as otherwise he would nullify his own vow when he nullifies hers, which would mean that his statement was of no consequence. For this reason he cannot nullify her vow, as he has already upheld it.

Conversely, if the husband severs the vow only from this moment onward, his addition of: And I, is not an absolute confirmation of her vow, as his own vow would not be affected even if he were to nullify hers in respect to the future. Consequently, he has not upheld her vow and therefore he can nullify it later (*Tosafot*; Commentary on *Nazir*; see Meiri).

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לָא, לְעוֹלָם מֵיגַּו גַּיֵּיהּ. וּבְדִין הוּא דְּלֵיפֵּר לָהּ, וְהַיְינוּ טַעְמָא דְּלָא מָצֵי מֵיפֵּר: כֵּיוָן דַּאֲמַר לָהּ ״וַאֲנִי״ – כְּמַאן דַּאֲמַר ״קָיְמִים לֵיכִי דָּמֵי; אִי מִתְשַׁיל אַהַקָּמָתוֹ – מָצֵי מֵיפֵּר, וְאִי לָא – לָא מָצֵי מֵיפֵּר.

The Gemara refutes this argument: **No; actually,** one can say that the husband **severs** the vow from that point onward. **And** if there were no other points to consider, **by right** the mishna should have taught **that he can nullify** her vow **for her; and this is the reason why he cannot nullify** it: **Since he said to her: And I,** he is **considered like one who said: It is upheld for you,** and once a husband has upheld his wife's vow he can no longer nullify it. Consequently, **if he requested** to have **his upholding** dissolved by a Sage, **he can nullify** her vow, **and if not, he cannot nullify** it. Consequently, the ruling of the mishna does not resolve the dilemma.

תָּא שְׁמַע: הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וְהִפְרִישָׁה אֶת בְּהֶמְתָּהּ, וְאַחַר כָּךְ הֵפֵר לָהּ בַּעְלָהּ, אִם שֶׁלּוֹ הָיְתָה הַבְּהֵמָה – תֵּצֵא וְתִרְעֶה בָּעֵדֶר, וְאִם שֶׁלָּהּ הָיְתָה הַבְּהֵמָה, הַחַטָּאת – תָּמוּת.

The Gemara cites another mishna (24a): **Come** and **hear:** With regard to **a woman who vowed to be a nazirite and separated her animal** for this purpose (see Numbers 6:13–14), **and afterward her husband nullified her** vow, which means that she is no longer obligated to bring an offering, **if the animal was his,**[N] which he had given to her, it is as though it were never consecrated at all, and **it shall go out and graze among** the **flock** like a regular, non-consecrated animal, until it becomes blemished. **And if the animal was hers,** and it was designated for **a sin-offering, it must** be placed in isolation for it to **die,** in accordance with the general *halakha* that a sin-offering that may not be sacrificed must be left to die.

וְאִי סָלְקָא דַּעְתָּךְ בַּעַל מְיַעֵקַר עָקַר – תֵּיפּוֹק לְחוּלִּין! אֶלָּא לָאו שְׁמַע מִינָּהּ – בַּעַל מֵיגַּו גַּיֵּיהּ.

The Gemara explains the difficulty from this mishna: **And if it should enter your mind** that **the husband uproots** the vow, the sin-offering should **be released as a non-sacred** animal, in accordance with the *halakha* of a sin-offering of a nazirite whose vow was nullified (31a). **Rather,** must one **not conclude from** the mishna that **the husband** merely **severs** the vow, which means that she was a nazirite when she separated the animal, and therefore it is consecrated?

לְעוֹלָם אֵימָא לָךְ בַּעַל מְיַעֵקַר עָקַר, וְהַיְינוּ טַעְמָא: כֵּיוָן דְּלָא צְרִיכָה כַּפָּרָה – חֲוַת כְּחַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ, וּגְמִירִי דְּחַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ תָּמוּת.

The Gemara rejects this proof: **Actually, I** could **say to you** that the **husband uproots** the vow, **and this is the reason** for the above ruling: **Since she requires no atonement,**[N] as the vow is no longer in effect, this animal **is** treated **as a sin-offering whose owners have died,**[H] **and** it **is learned** as a tradition **that a sin-offering whose owners have died must** be left to **die.**

תָּא שְׁמַע: הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר, וְהָיְתָה שׁוֹתָה יַיִן וּמְטַמְּאָה לַמֵּתִים – הֲרֵי זוֹ סוֹפֶגֶת אֶת הָאַרְבָּעִים. הֵיכִי דָּמֵי? אִילֵימָא דְּלָא הֵיפֵר לָהּ בַּעַל – צְרִיכָא לְמֵימַר?

The Gemara continues to cite relevant sources. **Come** and **hear** the following mishna (23a): With regard to **a woman who vowed to be a nazirite and** nevertheless **was drinking wine and rendering herself ritually impure** by contact **with the dead, she incurs the forty** lashes for violating a Torah prohibition. The Gemara analyzes this mishna: **What are the circumstances** of this case? **If we say that** her **husband did not nullify her** vow, **need this be said** that she is liable to receive lashes? After all, every nazirite who transgresses their vow incurs lashes.

אֶלָּא פְּשִׁיטָא – דְּהֵיפֵר לָהּ בַּעַל. וְאִי סָלְקָא דַּעְתָּךְ בַּעַל מְיַעֵקַר עָקַר – אַמַּאי סוֹפֶגֶת אַרְבָּעִים? אֶלָּא לָאו שְׁמַע מִינָּהּ – בַּעַל מֵיגַּו גַּיֵּיהּ.

Rather, it **is obvious** that the **husband nullified her** vow. **And if it should enter your mind** that the **husband uproots** his wife's vow, **why** does **she incur the forty** lashes? It is as though she never vowed at all. **Rather,** must one **not conclude from** the mishna that the **husband severs** the vow, and therefore she is liable for her earlier transgression?

לְעוֹלָם אֵימָא לָךְ בַּעַל מְיַעֵקַר עָקַר, וּמְשׁוּם דְּקָתָנֵי סֵיפָא: הֵיפֵר לָהּ בַּעְלָהּ וְהִיא לֹא יְדָעָה, וְהָיְתָה שׁוֹתָה יַיִן וּמְטַמְּאָה לַמֵּתִים – אֵינָהּ סוֹפֶגֶת אֶת הָאַרְבָּעִים,

The Gemara refutes this argument: **Actually, I** could **say to you** that the **husband uproots** the vow, **and** the reason that the mishna teaches in this manner is **due to** the fact **that** the *tanna* **teaches** in **the latter clause** of the mishna: If the **husband nullified her** vow **and she did not know, and she was drinking wine and rendering herself ritually impure** by contact **with the dead, she does not incur the forty** lashes, despite her intention to sin, as she did not commit a transgression in practice.

NOTES

If the animal was his – אִם שֶׁלּוֹ הָיְתָה הַבְּהֵמָה: Since the animal belonged to the husband, from the outset he gave it to her only to be used as an offering. Consequently, once it is established that she does not need the animal she no longer owns it, which means the sanctity of the animal is canceled as well (*Tosafot*, based on 24a). *Tosafot* add that even according to the opinion of Rabbi Yehuda that a husband is obligated to provide his wife with all the offerings she requires, this *halakha* applies only to her obligations, not to an animal that she does not need.

Since she requires no atonement – דְּלָא צְרִיכָה כַּפָּרָה: Once her husband has nullified her vow she is no longer in need of atonement, which means the animal is considered like a sin-offering whose owner has died, and therefore it is left to die (Commentary on *Nazir*). Some commentaries maintain that by right, no sanctity should apply to the animal at all, as she does not require atonement; however, as her act of consecration was valid at the time, the Sages decreed that the animal should not return to its initial state, and instead it should be considered like an offering whose owner has died. This decree was established to prevent people from treating consecrated objects lightly (Rid).

Other commentaries had a variant reading of the text: Since she requires atonement (*Tosafot*). They explain that her very acceptance of naziriteship is considered a sin due to her self-denial, in accordance with Rabbi Elazar HaKappar's dictum (19a) that a nazirite is called a sinner. Therefore, she still requires atonement, and consequently the animal is sacred. When her husband nullifies her vow, since in practice she can no longer bring the animal for her atonement, it is considered an animal whose owner has died without gaining atonement.

HALAKHA

A sin-offering whose owners have died – חַטָּאת שֶׁמֵּתוּ בְּעָלֶיהָ: A sin-offering whose owner has died must be left to die (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:1).

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תְּנָא נַמִּי רֵישָׁא סוֹפֶגֶת,

For this reason the *tanna* **also taught: She incurs,** in **the first clause,** despite the fact that this teaches no novelty.

תָּא שְׁמַע: הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וְנִטְמֵאת, וְאַחַר כָּךְ הֵפֵר לָהּ בַּעְלָהּ – מְבִיאָה חַטַּאת הָעוֹף, וְאֵינָהּ מְבִיאָה עוֹלַת הָעוֹף. וְאִי סָלְקָא דַּעְתָּךְ בַּעַל מֵיגַז גָּיֵיז – תַּייתֵי נַמִּי עוֹלַת הָעוֹף!

The Gemara further suggests: **Come** and **hear** a proof from a *baraita*: With regard to **a woman who vowed to be a nazirite**[H] **and she became ritually impure, and afterward her husband nullified her** vow, **she brings the bird sin-offering,**[N] **and she does not bring the bird burnt-offering. And if it should enter your mind** that the **husband severs** her vow, **let her also bring the bird burnt-offering,** to complete the atonement for becoming ritually impure when she was a nazirite. This indicates that the husband uproots the vow, which is why she is not required to bring the bird burnt-offering.

וְאֶלָּא מַאי – מִיעֲקַר עָקַר? חַטַּאת הָעוֹף נַמִּי לָא תַּייתֵי! הָכִי נַמִּי, וְהָא מַגִּי – רַבִּי אֶלְעָזָר הַקַּפָּר הִיא.

The Gemara refutes this proof: **Rather, what then?** Will you say that the husband **uproots** the vow entirely? If so, **she should also not bring the bird sin-offering.** The Gemara answers: **So too,** she should not have to bring the bird sin-offering either, **but** in accordance with **whose** opinion **is this** *baraita*? **It is** the opinion of **Rabbi Elazar HaKappar.**[N]

דְּתַנְיָא, רַבִּי אֶלְעָזָר הַקַּפָּר (בַּר רַבִּי) אוֹמֵר: מַה תַּלְמוּד לוֹמַר "מֵאֲשֶׁר חָטָא עַל הַנָּפֶשׁ". וְכִי בְּאֵיזוֹ נֶפֶשׁ חָטָא זֶה? אֶלָּא מִפְּנֵי שֶׁצִּיער עַצְמוֹ מִן הַיַּיִן נִקְרָא חוֹטֵא. וַהֲלֹא דְּבָרִים קַל וָחוֹמֶר: וּמָה זֶה שֶׁלֹּא צִיער עַצְמוֹ אֶלָּא מִן הַיַּיִן – נִקְרָא חוֹטֵא, הַמְצַעֵר עַצְמוֹ מִכָּל דָּבָר – עַל אַחַת כַּמָּה וְכַמָּה.

As it is taught in a *baraita* that **Rabbi Elazar HaKappar the esteemed says: What** is the meaning when **the verse states:** "And make atonement for him, **for that he sinned by reason of the soul"** (Numbers 6:11)? **And with which soul did this** nazirite **sin? Rather, because he deprived himself of wine he is** therefore **called a sinner. And are not** these **matters** inferred ***a fortiori*: And if this one, who deprived himself only of wine, is** nevertheless **called a sinner,** in the case of **one who deprives himself of everything** by fasting or other acts of mortification, **all the more so** is he labeled a sinner. According to this opinion, she brings a sin-offering to atone for uttering the vow itself, despite the fact that her husband later uprooted it entirely.

תָּא שְׁמַע, דְּתַנְיָא בְּהֶדְיָא: הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר, וְשָׁמְעָה חֲבֵירְתָּהּ וְאָמְרָה "וַאֲנִי". וּבָא בַּעְלָהּ שֶׁל רִאשׁוֹנָה וְהֵפֵר לָהּ – הִיא מוּתֶּרֶת, וַחֲבֵירְתָּהּ אֲסוּרָה. שְׁמַע מִינָּהּ: בַּעַל מֵיגַז גָּיֵיז.

The Gemara suggests: **Come** and **hear** a resolution, **as it is taught** in a *baraita* (*Tosefta* 3:10) **explicitly:**[N] With regard to **a woman who vowed to be a nazirite, and another** woman **heard** her **and said: And I,**[H] **and** the **husband of the first one came and nullified her** vow, **she is permitted and** the **other** woman **is prohibited.** One can **learn from this** that the **husband severs** the vow rather than uproots it.

HALAKHA

A woman who vowed to be a nazirite, etc. – הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וכו': If a woman who took a vow of nazariteship became ritually impure during her term, and afterward her husband heard of her vow and nullified it, she must bring an offering for her impurity. Some commentaries maintain that this is in accordance with the opinion that a husband uproots his wife's vows (*Mishne LaMelekh*). According to the conclusion of the Gemara that he merely severs the vows from that point onward, she must also bring the burnt-offering, and apparently the guilt-offering as well. The Jerusalem Talmud indicates likewise (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:11).

And another heard her and said, and I, etc. – וְשָׁמְעָה חֲבֵירְתָּהּ וְאָמְרָה וַאֲנִי וכו': In a case of a woman who took a vow of naziriteship, and another heard her and associated himself with her vow by saying: And I, if the father or husband of the first woman later heard of her vow and nullified it, hers is nullified but the second woman remains bound by her vow. The reason is that the husband or father does not uproot the vow entirely, as opposed to a halakhic authority, who dissolves a vow. The *halakha* is in accordance with the opinion of the first *tanna* (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:15 and *Mishne LaMelekh* there; *Shulḥan Arukh*, *Yoreh De'a* 234:51).

NOTES

She brings the bird sin-offering – מְבִיאָה חַטַּאת הָעוֹף: The commentaries explain that this is not considered a sin-offering whose owner has died, despite the cancelation of her naziriteship, as the tradition that a sin-offering of this kind must be left to die applies only to animals, not to birds (Commentary on *Nazir*).

It is Rabbi Elazar HaKappar – רַבִּי אֶלְעָזָר הַקַּפָּר הִיא: Although it was stated earlier (21a) that even according to the opinion of Rabbi Elazar HaKappar the sin-offering must be left to die, because it was consecrated to a certain extent and therefore it is considered like a sin-offering whose owner has died, there is a difference between the two cases. There, the Gemara was referring to the offerings of a pure nazirite, whose sin is not so severe, whereas here it is speaking of a nazirite who became impure. Since she has sinned twice (see 21a), the sin-offering is not considered as one whose owner has died (Rabbeinu Peretz, following Rosh, in *Shita Mekubbetzet*). Others explain that the Gemara there was referring to an animal sin-offering, whereas here it is dealing with a bird sin-offering (Commentary on *Nazir*).

Alternatively, this refers to a woman who had already separated her offerings, and therefore the sin-offering is brought and sacrificed (Rabbeinu Peretz, citing *Tosafot*). Yet others maintain that even if she had not set aside an offering, since she became impure and repeated her sin she requires atonement, and consequently she must set aside and bring a sin-offering.

Come and hear, as it is taught explicitly – תָּא שְׁמַע דְּתַנְיָא בְּהֶדְיָא: The commentaries note that whereas the conclusion of the Gemara's analysis of the previous *baraita* was that the husband uproots the vow, here the Gemara proceeds to resolve this difficulty in the opposite manner, without addressing the contradiction (*Tosafot*). They answer that there is in fact a difference of opinion between the *baraitot*, as the first *baraita* is in accordance with the opinion of Rabbi Elazar HaKappar, who maintains that the husband uproots the vow, whereas the unattributed opinion in the subsequent *baraita* states that he severs it. Others contend that the previous *baraita* can in fact be explained in accordance with the opinion that the husband severs the vow, and the reason why she does not bring the burnt-offering is that its purpose is to render her fit to observe naziriteship in purity, which is inapplicable in this case (Rosh).

Alternatively, she does not bring the burnt-offering, in accordance with the opinion of Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, that the burnt-offering is an essential element of a nazirite's offerings (18b), and she is therefore exempt from it if she is not an actual nazirite. As for the sin-offering, she is required to bring it because it is a bird-offering, which is sacrificed even in cases of uncertainty, especially in light of Rabbi Elazar HaKappar's statement that she requires atonement (Rabbeinu Todros; Meiri). Yet others say that she must bring a sin-offering because she was still a nazirite when she became impure and she therefore requires atonement. By contrast, the burnt-offering is part of her naziriteship offerings, from which she is exempted by her husband's nullification of her vow (Rid).

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רַבִּי שִׁמְעוֹן אוֹמֵר: אִם אָמְרָה לָהּ ״הֲרֵינִי כְּמוֹתֵיךְ״ – שְׁתֵּיהֶן מוּתָּרוֹת.

The *baraita* continues: **Rabbi Shimon says** that **if** the second woman **said to her,** after hearing her vow of naziriteship: **I am hereby like you,** in that case **they are both permitted.** Since the second woman made her naziriteship entirely dependent on that of the first, the nullification of the first woman's vow cancels the second naziriteship as well.

Perek **IV**
Daf **22** Amud **b**

BACKGROUND

Peace-offering – זֶבַח שְׁלָמִים: Male and female cattle or sheep may be sacrificed as peace-offerings. As offerings of lesser sanctity, they may be slaughtered anywhere within the Temple courtyard. Their blood is sprinkled on the two opposite corners of the altar in such a manner that it will descend on each of the altar's four sides. Part of each peace-offering is burned on the altar, and part is given to the priests, namely the breast and the right hind leg. The remainder is eaten by the individual bringing the offering, with his family, anywhere in the city of Jerusalem. The time frame for consumption of the offering is either on the day the animal is sacrificed, the following day, or during the intervening night. With the exception of the Festival peace-offering and a few other cases, peace-offerings are brought voluntarily, i.e., they are gift offerings.

HALAKHA

This is forbidden to me like the flesh of a peace-offering – הֲרֵי עָלַי כִּבְשַׂר זֶבַח שְׁלָמִים: If one has sacred meat before him, even if it is the flesh of a peace-offering after its blood was sprinkled, and he says: This item is to me like this meat, then the item in question is forbidden, as he meant the fundamental, forbidden aspect of the meat. Although the dilemma of Rami bar Ḥama was left unresolved by the Gemara, the Rambam rules stringently, as this uncertainty involves a Torah prohibition. Conversely, the Ramban and many other authorities maintain that this man is referring to the permitted state of the meat (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 1:15).

מָר זוּטְרָא בְּרֵיהּ דְּרַב מָרִי אָמַר: הַאי הַיְינוּ דְּרָמִי בַּר חָמָא. דְּבָעֵי רָמִי בַּר חָמָא: ״הֲרֵי עָלַי כִּבְשַׂר זֶבַח שְׁלָמִים״ מַהוּ?

Mar Zutra, son of Rav Mari, said: This problem, with regard to one who associated himself with the vow of a woman whose naziriteship was later nullified, **is** in essence the same as the dilemma **of Rami bar Ḥama**[N] concerning a different issue. **As Rami bar Ḥama raises a dilemma:** If someone said about a certain object: **This** is forbidden **to me like the flesh of a peace-offering,**[BH] **what is** the *halakha*? Is this a vow or not?

כִּי מַתְפִּיס אִינִישׁ – בְּעִיקָּרָא מַתְפִּיס, אוֹ דִּלְמָא בִּצְנָנָא מַתְפִּיס?

The Gemara explains the two sides of the dilemma: **When a person associates** himself with a prohibition by means of another object, does he **associate** himself with it **by its fundamental state?** In this case, this would mean that he has associated himself with an article from which it is prohibited to benefit, as the flesh of a peace-offering is forbidden before its blood is sprinkled. Consequently, the vow would take effect. **Or perhaps** one **associates** himself with the item **by its** eventual **permitted state** [*bitzenana*],[N] and as the flesh of a peace-offering may be eaten after the sprinkling of its blood, the vow is ineffective. This question is apparently analogous to the issue of the second woman's vow: Is she referring to the fundamental, initial state of the first vow, before its nullification, or to its later, permitted state, after it is has been dissolved?

מִי דָּמֵי?! הָתָם כֵּיוָן דַּאֲמַר ״הֲרֵי עָלַי כִּבְשַׂר זֶבַח שְׁלָמִים״ אַף עַל גַּב דְּלְאַחַר שֶׁנִּזְרַק דָּמוֹ מָצֵי אָכֵיל לֵיהּ בַּחוּץ – מִיקְדַּשׁ קָדֵישׁ. אֲבָל הָכָא, אִי סָלְקָא דַּעְתָּךְ בִּצְנָנָא קָא מַתְפִּיס – הָא הֵפֵר לָהּ בַּעְלָהּ! אֵיפְכָּא דְּאָמְרִי: הַיְינוּ דְּרָמִי בַּר חָמָא וַדַּאי.

The Gemara refutes this argument: **Are** the two cases **comparable?**[N] **There, since he said:** It **is** forbidden **to me like the flesh of a peace-offering, even though after its blood has been sprinkled it can be eaten outside** the courtyard, nevertheless it is **sacred**[N] to a certain extent, which means that his vow is referring to a forbidden object. **However, here, if it should enter your mind** that the second woman **associates** herself with the object's **permitted state, her husband has nullified her** vow, and therefore there is no vow at all, which renders the statement of the second woman meaningless. **Some say** that this last refutation is not accepted. In their opinion, the dilemma concerning two women who vowed **is certainly** similar to that **of Rami bar Ḥama.**

NOTES

This is the dilemma of Rami bar Ḥama – הַאי הַיְינוּ דְּרָמִי בַּר חָמָא: The early commentaries suggest two basic explanations of this issue. According to one opinion, Mar Zutra is referring to the discussion on the previous *amud* with regard to whether a husband uproots or severs a vow. He maintains that the previous explanation of the conflicting *baraitot*, including the conclusion that the husband severs the vow, is debatable, as the entire issue can be resolved in light of Rami bar Ḥama's dilemma (Rosh, citing Rabbeinu Tam; Ri, cited in *Shita Mekubbetzet*).

The resolution is as follows: Everyone agrees that the husband in fact uproots the vow, which means that his wife is not liable to receive lashes. However, one who associates himself with the vow of another does so with regard to the vow itself. Consequently, even if the first woman's vow is nullified, the second woman remains bound by her vow, as the question of the Gemara concerning the nature of a husband's nullification does not affect the case of a woman who associates herself with the vow of another. Others explain that even according to the opinion that a husband uproots the vows of his wife, this does not mean that it is as though the vow was never uttered, as is the case when a halakhic authority dissolves a vow. Rather, the husband uproots her obligation to fulfill the vow. Since the vow continues to exist it is possible that another person can vow by reference to it even afterward (*Beit HaLevi*).

Many commentaries question these interpretations and prefer the explanation of Rabbi Moshe of Evreux. In his opinion, Mar Zutra does not disagree with the conclusion that the husband severs the vow, as he is merely attempting to resolve Rami bar Ḥama's dilemma by citing a *baraita* which indicates that one associates himself with a vow by the fundamental status of the other person.

Its permitted state [*bitzenana*] – בִּצְנָנָא: The term *tzenana* literally means cold. In this context the reference is to an end state, just as a hot item eventually turns cold (Commentary on *Nazir*). Others explain that the prohibition has cooled and become permitted (*Shita Mekubbetzet*; Rosh).

Are they comparable – מִי דָּמֵי: In the case of one who vows by associating an item with the flesh of a peace-offering, even if he referred to its permitted state his statement is not devoid of meaning, as the meat retains a measure of sanctity even after the sprinkling of the blood. By contrast, with regard to two women who vowed naziriteship, if the second woman associated herself with the initial vow after it has been nullified, there is no vow to speak of at all, and therefore her statement is of no account (Commentary on *Nazir*). Consequently, even if she refers to the fundamental state of the vow, the *halakha* is unaffected by the resolution of Rami bar Ḥama's dilemma.

It is sacred – מִיקְדַּשׁ קָדֵישׁ: For example, the flesh of a peace-offering can be eaten only for two days and the intervening night (Commentary on *Nazir*), and may not be removed from Jerusalem (*Tosafot*). Similarly, it may not be eaten by ritually impure people or by gentiles. Maharatz Ḥayyut asks: Even if the flesh of a peace-offering does retain a certain measure of sanctity after the sprinkling, this is not the sanctity of a vow; rather, it stems from a prohibition, and one cannot associate himself with a vow by means of a prohibition. How, then, does the vow take effect?

Some commentaries explain that if one associates himself with the end state of the meat there is in fact no vow here at all, and the vow would not take effect. Consequently, it is likely that he is referring to the fundamental state of the meat. However, as he might mistakenly believe that one can take a vow and associate himself with a prohibition by referring to the meat of an offering after the sprinkling of its blood, it is necessary to inquire after his intention. By contrast, in the case of naziriteship, once the husband has nullified his wife's vow it no longer exists at all, and therefore no one would commit an error of this kind, and the other woman must certainly have been referring to the fundamental vow (*Tosafot*).

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אָמְרָה לָהּ ״הֲרֵינִי נְזִירָה בְּעִיקְּבַיִךְ״ מַהוּ? הֲרֵינִי בְּעִיקְּבַיִךְ – בְּכוּלָּא מִילְּתָא, וְשָׁרְיָא. אוֹ דִלְמָא כְּמִיקַּמֵּי דְּלֵיפֵּר לָהּ בַּעְלָהּ, וַאֲסִירָא?

The Gemara asks: If the second woman **said to** the first who vowed naziriteship: **I am hereby a nazirite in your footsteps,**[N] and the husband of the first woman subsequently nullified her vow, **what is** the *halakha* of the second woman? Again the Gemara clarifies the two sides of the question: Does the statement: **I am hereby** a nazirite **in your footsteps,** mean **in all matters, and** therefore her vow is **dissolved,** as the vow of the first woman was ultimately nullified; **or perhaps** this statement is referring **to** her status **before her husband nullified her** vow, **and** therefore the second woman is **bound** by her vow?

תָּא שְׁמַע: הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר, וְשָׁמַע בַּעְלָהּ וְאָמַר ״וַאֲנִי״ – אֵינוֹ יָכוֹל לְהָפֵר. וְאִי סָלְקָא דַּעְתָּךְ כִּי אֲמַר לָהּ ״הֲרֵינִי בְּעִיקְּבַיִךְ״ בְּעִיקָּרָא קָא מַתְפִּיס – לֵיפֵּר לָהּ לְדִידָהּ, וְלוֹקִים דִּידֵיהּ!

The Gemara suggests: **Come** and **hear** an answer to this question from the mishna: With regard to **a woman who vowed to be a nazirite and her husband heard and said: And I,**[N] **he cannot nullify** her vow with which he associated himself, as he would thereby be canceling his own vow. **And if it should enter your mind** that **when he says to her: I am hereby** a nazirite **in your footsteps, he associates** himself with **the fundamental state** of the vow, and it does not mean that they should be linked throughout, in that case **let him nullify her** vow **and uphold his.** In this manner the husband remains bound by his own vow while nullifying his wife's vow.

אֶלָּא לָאו, שְׁמַע מִינָּהּ בְּכוּלָּא דְּמִילְּתָא מַתְפִּיס. וְהִלְכָךְ, הוּא דְּלָא מָצֵי מֵיפֵּר, הָא אִשָּׁה דְּאָמְרָה ״הֲרֵינִי בְּעִיקְּבַיִךְ״ – הֵיא נַמִי מוּתֶּרֶת.

Rather, must one **not conclude from** it that he **associates** himself with **all matters** of the vow, **and therefore** in his case **he cannot nullify**[N] her vow, as he would thereby be nullifying his own, **but** with regard to **a woman** who **said: I am hereby** a nazirite **in your footsteps, she is also permitted** by the nullification of the first vow?

לָא, לְעוֹלָם בְּעִיקָּרָא מַתְפִּיס, וְהָכָא, כֵּיוָן דַּאֲמַר לָהּ ״וַאֲנִי״ – כְּאוֹמֵר ״קַיָּים לֵיכִי״ דָּמֵי, וְאִי מִתְּשִׁיל אַהֲקָמָתוֹ – מָצֵי מֵיפֵּר, וְאִי לָא – לָא.

The Gemara rejects this argument: **No; actually,** it is possible that one **associates** himself with **the fundamental state** of the vow, **and here,** in the case of a husband, there is a different reason that he cannot nullify the vow. **Since he says to her: And I, he is considered to have said:** It is **upheld for you,** as his own vow indicates his acceptance of hers. **And** therefore, **if** he **requests** from a halakhic authority the dissolution **of his upholding** of her vow, **he can nullify** her vow, **and if** he does **not** submit this request he **cannot** nullify his wife's vow.

״הֲרֵינִי נָזִיר וְאַתְּ״ וְאָמְרָה ״אָמֵן״ – מֵיפֵּר אֶת שֶׁלָּהּ, וְשֶׁלּוֹ קַיָּים״. וּרְמִינְהוּ: ״הֲרֵינִי נָזִיר וְאַתְּ״ וְאָמְרָה ״אָמֵן״ – שְׁנֵיהֶם אֲסוּרִין, וְאִם לָאוּ – שְׁנֵיהֶם מוּתָּרִין, מִפְּנֵי שֶׁתָּלָה נִדְרוֹ בִּנְדָרָהּ!

§ The mishna teaches that if a husband said: **I am hereby a nazirite and you, and** his wife **said: Amen, he can nullify her** vow **and his** remains **intact. And** the Gemara **raises a contradiction** to this from a *baraita* (*Tosefta* 3:5): With regard to one who said to his wife: **I am hereby a nazirite and you, and she said: Amen, they are both bound** by their vows; **and if** she did **not** answer: Amen, **they are both permitted, because he made his vow dependent on her vow.** In other words, he meant that he would be a nazirite on the condition that she too accept naziriteship upon herself. This *baraita* teaches that if she says: Amen, he cannot nullify her vow, which apparently contradicts the ruling of the mishna.

אָמַר רַב יְהוּדָה: תְּנִי ״מֵיפֵּר אֶת שֶׁלָּהּ וְשֶׁלּוֹ קַיָּים״. אַבַּיֵי אָמַר: אֲפִילּוּ תֵּימָא כִּדְקָתָנֵי, בָּרַיְיתָא – כְּגוֹן דְּקָאָמַר לָהּ ״הֲרֵינִי נָזִיר וְאַתְּ״. דְּקָא תָלֵי נִדְרוֹ בִּנְדָרָהּ,

Rav Yehuda said: Teach the *baraita* by emending it so that it reads: **He can nullify hers and his** remains **intact,** like the mishna, rather than: They are both bound by their vows. **Abaye said: You** can **even say** that the *baraita* should be read **as it teaches,** without emending it, as there is a difference between the two cases. The ***baraita*** is referring to a case **where he said to her** in a single clause: **I am hereby a nazirite and you,**[H] **as he makes his vow dependent on her vow.** Consequently, if she is not a nazirite, his vow is also canceled.

NOTES

In your footsteps [*be'ikvayikh*] – בְּעִיקְּבַיִךְ: Some commentaries contend that this expression can be explained in two ways (*Tosafot*). On the one hand it can mean in your footsteps; following you, which indicates that her vow will be similar to that of the first woman. On the other hand it can also mean due to you, which would indicate a full acceptance of naziriteship. Others read *be'ikarayikh*, and explain the question of the Gemara as follows: Does this *ikar*, the fundamental, central aspect, refer to the prohibition that applies to the first woman, which means that the vow of the second one will lapse when that of the first one is nullified? Alternatively, perhaps this *ikar* refers to the main issue involved, i.e., the naziriteship itself; if so, the vow of the second woman is not dependent on that of the first (Meiri).

And said, and I – וְאָמַר וַאֲנִי: The phrase: And I, can more easily be explained as referring to the fundamental state of the vow than: In your footsteps, although this expression can also be explained in that manner (Commentary on *Nazir*). Others maintain that unlike the case of a second woman, when a husband says: And I, it is as though he explicitly said: And I am in your footsteps, as he knows that he has the power to nullify her vow (*Tosafot*).

In his case he cannot nullify – הוּא דְּלָא מָצֵי מֵיפֵּר: The reason is either that he is prohibited from doing so, or that he cannot nullify it because he would thereby be desecrating his own vow. See NOTES on 21b.

HALAKHA

He said to her, I am hereby a nazirite and you – דְּקָאָמַר לָהּ הֲרֵינִי נָזִיר וְאַתְּ: If a husband vowed and applied the same vow to his wife, and she answered: Amen, he cannot nullify her vow, as stated in the *baraita*. However, if he said to her: I am hereby a nazirite, and would you like to be a nazirite like me, he can nullify her vow; and if he does so, his own vow is also canceled, as he made it dependent on hers. The *halakha* is in accordance with the opinion of Abaye, following his reading of the mishna: And his is nullified (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 13:13–14 and *Leḥem Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 234:54).

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וּמַתְנִיתִין – כְּגוֹן דַּאֲמַר לָהּ "הֲרֵינִי נָזִיר, וְאַתְּ מַאי"? מְשׁוּם הָכִי מֵיפֵר אֶת שֶׁלָּהּ, וְשֶׁלּוֹ קַיָּם.

And the mishna is referring to a case **where he said to her** in the form of a question: **I am hereby a nazirite, and what** about **you?** This indicates that he himself has completely accepted his nazirite-ship, and he is simply asking his wife if she would like to join him. **Due to that** reason, as he did not link his vow to hers, **he may nullify hers and his is intact.**

מתני׳ הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר, וְהָיְתָה שׁוֹתָה בְּיַיִן וּמִטַּמְּאָה לְמֵתִים – הֲרֵי זֶה סוֹפֶגֶת אֶת הָאַרְבָּעִים. הֵפֵר לָהּ בַּעְלָהּ, וְהִיא לֹא יָדְעָה שֶׁהֵפֵר לָהּ בַּעְלָהּ, וְהָיְתָה שׁוֹתָה בְּיַיִן וּמִטַּמְּאָה לְמֵתִים – אֵינָהּ סוֹפֶגֶת אֶת הָאַרְבָּעִים. רַבִּי יְהוּדָה אוֹמֵר: אִם אֵינָהּ סוֹפֶגֶת אֶת הָאַרְבָּעִים – תִּסְפּוֹג מַכַּת מַרְדּוּת.

MISHNA With regard to **a woman who vowed to be a nazirite, and** she transgressed her vow since **she was drinking wine**[H] **and rendering herself ritually impure by** contact with **the dead, she incurs the forty** lashes for each of the Torah prohibitions she transgressed. If **her husband nullified her** vow, **and she did not know that her husband had nullified**[H] **her** vow, **and she was drinking wine and rendering herself impure by** contact with **the dead, she does not incur the forty** lashes, as she is no longer a nazirite. **Rabbi Yehuda says:** Even **if she does not incur the forty** lashes by Torah law, **she should incur lashes for rebelliousness** [***makat mardut***],[L] an extrajudicial punishment imposed by the Sages, for her intention to commit a transgression, since she believed that it was prohibited to her.

גמ׳ תָּנוּ רַבָּנַן: "אִישָׁהּ הֲפֵרָם וַה׳ יִסְלַח לָהּ". בְּאִשָּׁה שֶׁהֵפֵר לָהּ בַּעְלָהּ וְהִיא לֹא יָדְעָה הַכָּתוּב מְדַבֵּר, שֶׁהִיא צְרִיכָה כַּפָּרָה וּסְלִיחָה.

GEMARA **The Sages taught** with regard to a verse in the section discussing vows: **"Her husband has nullified them, and the Lord will forgive her"** (Numbers 30:13), that **the verse is speaking of a woman whose husband nullified her** vow **and she did not know** that he had done so. It teaches **that** if she performs the actions prohibited by the vow **she requires atonement and forgiveness.**

וּכְשֶׁהָיָה מַגִּיעַ רַבִּי עֲקִיבָא אֵצֶל פָּסוּק זֶה הָיָה בּוֹכֶה: וּמַה מִּי שֶׁנִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר חֲזִיר, וְעָלָה בְּיָדוֹ בְּשַׂר טָלֶה – טָעוּן כַּפָּרָה וּסְלִיחָה, הַמִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר חֲזִיר וְעָלָה בְּיָדוֹ בְּשַׂר חֲזִיר – עַל אַחַת כַּמָּה וְכַמָּה!

And when Rabbi Akiva[P] **would reach this verse he would cry,** saying: **And if one who intended to pick up pork in his hand** and eat it, **and** in fact **he picked up the meat of a lamb in his hand** and ate it, so that he did not in fact commit a transgression, like this woman who tried to sin and was unaware that her husband had nullified her vow, nevertheless **requires atonement and forgiveness,** then with regard to **one who intends to pick up pork in his hand and** in fact **picked up pork in his hand, all the more so** does he require atonement.

כַּיּוֹצֵא בַּדָּבָר אַתָּה אוֹמֵר: "וְלֹא יָדַע וְאָשֵׁם וְנָשָׂא עֲוֹנוֹ";

On a similar note, you can **say** and quote the following verse with regard to one who is liable to bring an uncertain guilt-offering, which is brought for a possible transgression: **"Though he does not know it yet he is guilty, and shall bear his iniquity"** (Leviticus 5:17).

וּמַה מִּי שֶׁנִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר טָלֶה וְעָלָה בְּיָדוֹ בְּשַׂר חֲזִיר, כְּגוֹן חֲתִיכָה סָפֵק שֶׁל שׁוּמָּן סָפֵק שֶׁל חֵלֶב – אָמַר קְרָא "וְנָשָׂא עֲוֹנוֹ". מִי שֶׁנִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר חֲזִיר וְעָלָה בְּיָדוֹ בְּשַׂר חֲזִיר – עַל אַחַת כַּמָּה וְכַמָּה!

This verse teaches: **And if** in a case similar to **one who intended to pick up the meat of a lamb in his hand** and eat it, which is permitted, **and he picked up pork in his hand** and ate it, thereby sinning unintentionally, **for example,** where one took **a piece**[N] of meat with regard to which it is **uncertain** whether it is permitted **fat** and **uncertain** whether it is forbidden **fat,**[B] and he ate it, rendering him liable to bring a provisional guilt-offering, **the verse states: "And shall bear his iniquity,"** indicating that he requires atonement via an offering; then with regard to **one who intends to pick up pork in his hand and** in fact **picked up pork in his hand, all the more so** he requires atonement.

HALAKHA

And she was drinking wine, etc. – וְהָיְתָה שׁוֹתָה בְּיַיִן וכו׳: If a woman who took a vow proceeded to transgress her vow before her father or husband nullified it, even if they later did so as soon as they heard of the vow, she is liable to receive lashes or bring an offering, as appropriate, for her previous actions. This follows the ruling of the mishna, in accordance with the Gemara's earlier conclusion that a husband severs his wife's vows from that moment onward (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:19).

And she did not know that her husband had nullified, etc. – וְהִיא לֹא יָדְעָה שֶׁהֵפֵר לָהּ בַּעְלָהּ וכו׳: If a woman took a vow and her father or husband nullified her vow without her knowledge, and she purposely transgressed her vow or oath, she is exempt from lashes incurred for violating a Torah prohibition. However, the court administers lashes of rebelliousness for her intention to sin. The Rambam maintains that Rabbi Yehuda does not disagree with the first *tanna* but merely adds to his statement (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:18 and *Kesef Mishne* there).

LANGUAGE

Lashes for rebelliousness [*makat mardut*] – מַכַּת מַרְדּוּת: There are several opinions as to the meaning of the term *mardut* in this context. Some understand it to be related to the term *mered*, meaning rebellion (see I Samuel 20:30), and accordingly, these are lashes administered to one who rebels against God. Others relate it to a term for punishment, and accordingly, these are lashes administered to punish a sinner.

PERSONALITIES

Rabbi Akiva – רַבִּי עֲקִיבָא: Akiva ben Yosef was one of the greatest of the *tanna'im*. He lived during the period just after the destruction of the Second Temple until the bar Kokheva revolt.

According to the Sages, Rabbi Akiva began his studies at the age of forty, when Rachel, the daughter of the wealthy Kalba Savua, agreed to marry him on the condition that he would go and study Torah. Rabbi Akiva became the student of Rabbi Eliezer ben Hyrcanus and Rabbi Yehoshua ben Ḥananya. Ultimately, he became a great scholar, with twenty-four thousand students of his own.

Rabbi Akiva's foremost students included Shimon ben Azzai and Shimon ben Zoma, with whom he studied esoteric elements of the Torah. Later, he taught Rabbi Meir and Rabbi Shimon bar Yoḥai, among others. He initially supported bar Kokheva's revolt against the Roman authorities, declaring him the Messiah. Even when Hadrian banned the study of Torah, Rabbi Akiva continued assembling Jews and teaching Torah. Finally, he was captured and executed. He is listed as one of the ten martyrs.

Rabbi Akiva collected early rabbinic teachings and strove to organize the Oral Torah systematically. The work done by Rabbi Akiva and his students served as the basis for the Mishna, later redacted by Rabbi Yehuda HaNasi and his disciples.

BACKGROUND

Forbidden fat and permitted fat – חֵלֶב וְשׁוּמָּן: The difference between permitted and forbidden fats is not in their physiological makeup, rather it is dependent upon where in the animal's body it is found. Therefore, it is not possible to determine whether a piece of fat no longer in the animal's body is permitted or forbidden, absent testimony from one who saw it being removed.

NOTES

For example, where a piece, etc. – כְּגוֹן חֲתִיכָה וכו׳: This dispute between Rabbi Akiva and Isi ben Yehuda concerns the precise definition of the transgression for which one is obligated to bring a provisional guilt-offering. The principle is that one must bring a provisional guilt-offering for the possible violation of a major transgression, for which one is liable to receive *karet* if performed on purpose. Even after one has brought his offering the matter remains uncertain until it becomes clear that he did sin, at which point he must bring a sin-offering. The Sages disagreed with regard to the nature of this uncertainty. According to the opinion of Rabbi Akiva, one must bring a provisional guilt-offering even if the uncertainty involved a single piece, i.e., it is unknown whether this particular piece or action was prohibited or permitted. Conversely, Isi ben Yehuda maintains that one is liable only if there were two pieces before him, one forbidden and the other permitted, and he did not know which of them he chose.

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אִיסִי בֶּן יְהוּדָה אוֹמֵר: ״וְלֹא יָדַע וְאָשֵׁם וְנָשָׂא עֲוֹנוֹ״; וּמַה מִּי שֶׁנִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר טָלֶה וְעָלָה בְּיָדוֹ בְּשַׂר חֲזִיר, כְּגוֹן שֶׁהָיוּ חֲתִיכוֹת אַחַת שֶׁל חֵלֶב וְאַחַת שֶׁל שׁוּמָן – ״וְנָשָׂא עֲוֹנוֹ״. הַמִּתְכַּוֵּון לַעֲלוֹת בְּיָדוֹ בְּשַׂר חֲזִיר וְעָלָה בְּיָדוֹ בְּשַׂר חֲזִיר – עַל אַחַת כַּמָּה וְכַמָּה!

Isi ben Yehuda says that this verse: **"Though he does not know it yet he is guilty, and shall bear his iniquity"** (Leviticus 5:17), should be explained in a slightly different manner: **And if** in a case similar to **one who intended to pick up the meat of a lamb in his hand and he picked up pork in his hand, e.g.,** where there were **two pieces** before him, **one of** forbidden **fat and one of** permitted **fat,** and he picked up one and ate it without knowing which of them was forbidden, it states with regard to him: **"And shall bear his iniquity,"** i.e., he is obligated to bring an offering; then with regard to **one who intends to pick up pork in his hand and picked up pork in his hand, all the more so** is he in need of atonement.

עַל דָּבָר זֶה יְדִוּ הַדָּווִים.

The Gemara adds: **And with regard to this matter, those who suffer should suffer,** i.e., one can see from here the extent to which one requires atonement and forgiveness.

וְכָל הָנֵי לָמָּה לִי? צְרִיכִין; דְּאִי תְּנָא גַּבֵּי אִשָּׁה – הָתָם הוּא דְּבָעֵיָא כַּפָּרָה וּסְלִיחָה, מִשּׁוּם דְּמֵעִיקָּרָא לְאִיסּוּרָא אִיכַּוֵּון. אֲבָל חֲתִיכָה סָפֵק שֶׁל חֵלֶב סָפֵק שֶׁל שׁוּמָן, דְּלֶהֱוֵי הֵיתֵּרָא אִיכַּוֵּין – לָא בָּעֵי כַּפָּרָה וּסְלִיחָה.

The Gemara asks: **And why do I** need **all these** examples for the same idea? The Gemara answers: All of them **are necessary, as had we taught** this idea only **with regard to** the case of **a woman,** one might have said that **it is there that she requires atonement and forgiveness because at the outset her intention was to sin. However,** in the case of one who took **a piece** with regard to which it was **uncertain** whether it was permitted **fat** and **uncertain** whether it was forbidden **fat, who intended** to eat **permitted** food, one might have said that **he does not require atonement and forgiveness.**

וְאִי אִיתְּמַר הָנָךְ – דְּאִיכָּא אִיסּוּרָא, אֲבָל אִשָּׁה דְּהֵפֵר לָהּ בַּעְלָהּ, דְּהֵתֵּירָא – לָא תִּבָּעֵי כַּפָּרָה וּסְלִיחָה.

And had this case concerning one who eats a piece that might be forbidden **been stated** alone, one could say that atonement is required in this situation, **as there is** possibly **a prohibition** present before him. **However,** with regard to **a woman whose husband nullified her** vow, **where** she was in fact **permitted** to perform the actions she performed, perhaps **she does not require atonement and forgiveness.**

וְאִי אִיתְּמַר הָנֵי תַּרְתֵּי – הָווּ אָמְינָא: הָנֵי תַּרְתֵּי הוּא דְּסָגֵי לְהוֹן בְּכַפָּרָה וּסְלִיחָה, דְּלָא אִיקְּבַע אִיסּוּרָא, אֲבָל שְׁתֵּי חֲתִיכוֹת אַחַת שֶׁל חֵלֶב וְאַחַת שֶׁל שׁוּמָן, דְּאִיקְּבַע אִיסּוּרָא – לָא סָגֵי לֵיהּ בְּכַפָּרָה וּסְלִיחָה, קָא מַשְׁמַע לָן דְּלָא שְׁנָא.

And had only **these two** cases **been stated, I would say: It is** in **these two** cases in **which atonement and forgiveness are enough for them, as the prohibition is not established;** even one who ate the piece that was possibly forbidden fat has not necessarily committed a sin. **However,** if there were **two pieces, one of** forbidden **fat and one of** permitted **fat, where the prohibition is established,** as there was definitely a forbidden piece before him and nevertheless he proceeded to eat one of them, one might have said that **atonement and forgiveness should not suffice for him.** Isi ben Yehuda therefore **teaches us that** there, it **is no different,** as even this individual is included in the verse: "And he shall be forgiven" (Leviticus 5:18).

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: מַאי דִּכְתִיב ״כִּי יְשָׁרִים דַּרְכֵי ה׳ וְצַדִּקִים יֵלְכוּ בָם וּפֹשְׁעִים יִכָּשְׁלוּ בָם״? מָשָׁל לִשְׁנֵי בְּנֵי אָדָם שֶׁצָּלוּ אֶת פִּסְחֵיהֶן, אֶחָד אָכַל לִשְׁמוֹ מִצְוָה וְאֶחָד אָכַל לִשְׁמוֹ אֲכִילָה גַּסָּה; זֶה שֶׁאָכַל לִשְׁמוֹ מִצְוָה – ״וְצַדִּקִים יֵלְכוּ בָם״. וְזֶה שֶׁאָכַל לִשְׁמוֹ אֲכִילָה גַּסָּה – ״וּפֹשְׁעִים יִכָּשְׁלוּ בָם״.

§ **Rabba bar bar Ḥanna said** that **Rabbi Yoḥanan said: What** is the meaning of that **which is written: "For the paths of the Lord are right, and the just walk in them, but transgressors stumble over them"** (Hosea 14:10)? How can the same path lead to such different outcomes? This is **comparable to two people who roasted their Paschal offerings** on Passover eve, in the proper manner. **One ate it for the sake of the mitzva, and one ate it for the sake of excessive eating.**[H] **This** one, **who ate it for the sake of the mitzva,** has fulfilled: **"And the just walk in them," while that** one, **who ate it for the sake of excessive eating,** is described by the end of the verse: **"But transgressors stumble over them."**

אָמַר לֵיהּ רֵישׁ לָקִישׁ: הַאי רָשָׁע קָרֵית לֵיהּ?! נְהִי דְּלָא קָא עָבֵיד מִצְוָה מִן הַמּוּבְחָר – פֶּסַח מִיהָא קָא עָבֵיד! אֶלָּא, מָשָׁל לִשְׁנֵי בְּנֵי אָדָם, זֶה אִשְׁתּוֹ וַאֲחוֹתוֹ עִמּוֹ, וְזֶה אִשְׁתּוֹ וַאֲחוֹתוֹ עִמּוֹ. לָזֶה נִזְדַּמְּנָה לוֹ אִשְׁתּוֹ, וְלָזֶה נִזְדַּמְּנָה לוֹ אֲחוֹתוֹ; זֶה שֶׁנִּזְדַּמְּנָה לוֹ אִשְׁתּוֹ – ״צַדִּקִים יֵלְכוּ בָם״. וְזֶה שֶׁנִּזְדַּמְּנָה לוֹ אֲחוֹתוֹ – ״וּפֹשְׁעִים יִכָּשְׁלוּ בם״.

Reish Lakish said to Rabba bar bar Ḥanna: **You call this** individual **wicked?** Even **though he had not performed the mitzva in the optimal manner** when he eats this Paschal offering, **he has at least performed** the mitzva of the **Paschal offering. Rather,** this is **comparable to two people; this** one has **his wife and sister** in the same house **with him, and that** one has **his wife and sister with him.** Each husband arrives home and engages in sexual intercourse with one of the women. **This** one **happened upon his wife, and that** one **happened upon his sister. This** one, **who happened upon his wife,** is described by the phrase **"And the just walk in them," and that** one, **who happened upon his sister,** is described by the phrase **"But transgressors stumble over them."**

HALAKHA

For the sake of excessive eating – לְשׁוּם אֲכִילָה גַּסָּה: The *Magen Avraham*, citing *Roke'aḥ*, comments that on the first night of Passover, it is prohibited to eat the *afikoman* in a forced manner when one is full, as this is a fulfillment of the verse "Transgressors stumble over them" (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 476:1).

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מִי דָּמֵי? אֲנַן קָאָמְרִינַן חַדָּא דַּרְכָּא – הָכָא שְׁנֵי דְּרָכִים! אֶלָּא, מָשָׁל לְלוֹט וּשְׁתֵּי בְּנוֹתָיו עִמּוֹ. הֵן שֶׁנִּתְכַּוְּונוּ לְשֵׁם מִצְוָה – "וְצַדִּיקִים יֵלְכוּ בָם". הוּא שֶׁנִּתְכַּוֵּין לְשֵׁם עֲבֵירָה – "וּפֹשְׁעִים יִכָּשְׁלוּ בָם".

The Gemara raises a difficulty: **Is it comparable? We said one path;** i.e., two people follow the same path by performing the very same action with two different outcomes; whereas **here** there are **two paths.** Each person engaged in sexual intercourse with a different relative and therefore they cannot be said to have followed the same path. **Rather,** it is **comparable to Lot and his two daughters,** who were **with him. They, who intended** to engage in sexual intercourse with him **for the sake of a mitzva,** as they thought that the entire world was destroyed and wished to preserve the human race, are described in the first part of the verse: **"And the just walk in them." He who intended** to act **for the sake of a transgression** is described by the last part: **"But transgressors stumble over them."**

וְדִלְמָא הוּא נַמִּי לְשׁוּם מִצְוָה אִיכַּוֵּין? אָמַר רַבִּי יוֹחָנָן: כָּל הַפָּסוּק הַזֶּה עַל שֵׁם עֲבֵירָה נֶאֱמַר:

The Gemara asks: **And perhaps** Lot **too intended** that his actions should be **for the sake of a mitzva?** The Gemara answers: This was not the case, as **Rabbi Yoḥanan said** with regard to Lot: **This entire verse:** "And Lot lifted up his eyes, and saw all the plain of the Jordan, that it was well watered everywhere" (Genesis 13:10), **is stated with regard to** the **sin** of licentiousness. Since this verse teaches that Lot was a lustful man, it can therefore be assumed he meant to sin with his daughters as well.

"וַיִּשָּׂא לוֹט" – "וַתִּשָּׂא אֵשֶׁת אֲדֹנָיו אֶת עֵינֶיהָ". ["אֶת עֵינָיו"] – "כִּי הִיא יָשְׁרָה בְּעֵינָיו".

Rabbi Yoḥanan explains: **"And Lot lifted up** his eyes" employs the same expression as a verse that refers to Joseph's temptation: **"That his master's wife lifted up her eyes"** (Genesis 39:7), which is clearly referring to sin. The phrase used in reference to Lot, **"his eyes,"** is stated similarly to Samson's appraisal of the Philistine girl he sought to marry: **"For she is pleasing in my eyes"** (Judges 14:3).

"וַיַּרְא" – "וַיַּרְא אֹתָהּ שְׁכֶם בֶּן חֲמוֹר". "אֶת כָּל כִּכַּר הַיַּרְדֵּן" "כִּי בְעַד אִשָּׁה זוֹנָה עַד כִּכַּר לָחֶם". "כִּי כֻלָּהּ מַשְׁקֶה" – "אֵילְכָה אַחֲרֵי מְאַהֲבַי נֹתְנֵי לַחְמִי וּמֵימַי צַמְרִי וּפִשְׁתִּי שַׁמְנִי וְשִׁיקּוּיָי".

Rabbi Yoḥanan continues to interpret the verse as a series of references to licentiousness. The phrase **"and saw"** is reminiscent of the verse dealing with Jacob's daughter Dinah: **"And Shechem, the son of Hamor the Hivite, saw her** and he took her, and lay with her" (Genesis 34:2). The verse continues: **"All the plain** [*kikar*] **of the Jordan,"** which alludes to the verse: **"For on account of a harlot a man is brought to a loaf** [*kikar*] **of bread"** (Proverbs 6:26). The last part of the verse: **"That it was well watered everywhere,"** recalls: **"I will go after my lovers, who give me my bread and my water, my wool and my flax, my oil and my drink"** (Hosea 2:7).

וְהָא מֵינַס אֲנִיס. תָּנָא מְשׁוּם רַבִּי יוֹסֵי בַּר רַב חוֹנִי: לָמָּה נָקוּד עַל וי"ו "וּבְקוּמָהּ" שֶׁל בְּכִירָה – לוֹמַר שֶׁבְּשִׁכְבָתָהּ לֹא יָדַע, אֲבָל בְּקוּמָהּ יָדַע.

The Gemara asks: **But** Lot **was forced** to participate in the sexual intercourse, as he was asleep at the time; how can he be considered a sinner? The Gemara answers that this is as a Sage **taught in the name of Rabbi Yosei bar Rav Ḥoni: Why is there a dot**[N] in a Torah scroll **over** the letter ***vav*** **of** the word **"*uvekumah*," with regard to** Lot's **elder** daughter, in the verse: "And he did not know when she lay down and when she arose [*uvekumah*]" (Genesis 19:33)? This dot serves **to say that when she lay down he did not know; however, when she arose he knew** what she had done, as he later understood what had happened.

וּמַאי הֲוָה לֵיהּ לְמֶיעֱבַד? מַאי דַּהֲוָה הֲוָה. נָפְקָא מִינָּה, דִּלְמָא אַחֲרִינָא לָא אִיבָּעֵי לְמִישְׁתֵּי חַמְרָא.

The Gemara asks: **And what could he have done** about it? **What has happened has happened;** i.e., Lot could not change the past. The Gemara answers: The **difference** is **that on the other,** following, **night, he should not have drunk wine** again. By allowing himself to get drunk a second time, he showed that the end result, engaging in sexual intercourse with his younger daughter, was something he desired.

דָּרַשׁ רָבָא: מַאי דִּכְתִיב "אָח נִפְשָׁע מִקִּרְיַת עֹז"

§ **Rava interpreted** a verse **homiletically** with regard to Lot: **What is** the meaning of that **which is written: "A brother offended is harder to be won than a strong city,**



Dot over the *vav* of the phrase "and when she arose [*uvekumah*]" as it appears in a Torah scroll

NOTES

Why is there a dot – לָמָּה נָקוּד: The dots that traditionally appear over certain letters of the Torah are read as a sign of erasure, indicating a measure of uncertainty with regard to the word in question. In this case the phrase "and when she arose" is interpreted as though it were omitted, alluding to Lot's awareness when she got up (*Tosafot*). Others add that this does not mean that Lot had full knowledge of the event, as in that case the phrase would not have been written at all. Rather, he had a dim recollection of what had occurred. Consequently, he should have been more careful the following night (*Yefat To'ar*).

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וּמִדְיָנִים כִּבְרִיחַ אַרְמוֹן"? "אָח נִפְשָׁע מִקִּרְיַת עֹז" – זֶה לוֹט שֶׁפֵּירֵשׁ מֵאַבְרָהָם: "וּמִדְיָנִים כִּבְרִיחַ אַרְמוֹן" – שֶׁהִטִּיל מְדָנִים כִּבְרִיחִין וְאַרְמוֹן – "לֹא יָבֹא עַמּוֹנִי וּמוֹאָבִי בִּקְהַל ה'".

and their contentions are like the bars of a castle" (Proverbs 18:19)? **"A brother offended is harder to be won than a strong city,"**[N] **this is Lot,** called Abraham's brother (see Genesis 14:14), **who separated from Abraham. "And their contentions are like the bars of a castle,"** this is **because** Lot **brought contention** between the Jewish people and his own descendants **like bars,** which lock the gates of **a castle.** Just as no one can enter a locked castle, so too Lot's descendants, Ammon and Moab, were prevented from joining the Jewish people, as it states: **"An Ammonite and a Moabite shall not enter into the assembly of the Lord"** (Deuteronomy 23:4).

דָּרַשׁ רָבָא וְאִיתֵּימָא רַבִּי יִצְחָק: מַאי דִּכְתִיב "לְתַאֲוָה יְבַקֵּשׁ נִפְרָד וּבְכָל תּוּשִׁיָּה יִתְגַּלָּע"? "לְתַאֲוָה יְבַקֵּשׁ נִפְרָד" – זֶה לוֹט: "וּבְכָל תּוּשִׁיָּה יִתְגַּלָּע" – שֶׁנִּתְגַּלָּה קְלוֹנוֹ בְּבָתֵּי כְּנֵסִיּוֹת וּבְבָתֵּי מִדְרָשׁוֹת, דִּתְנַן: עַמּוֹנִי וּמוֹאָבִי אֲסוּרִין, וְאִיסּוּרָן אִיסּוּר עוֹלָם.

On the same issue, **Rava expounded** a verse **homiletically, and some say** it was **Rabbi Yitzḥak: What is** the meaning of that **which is written: "He who separates himself seeks his own desire, and snarls against all sound wisdom"** (Proverbs 18:1)?[N] **"He who separates himself seeks his own desire," this is Lot,** who separated from Abraham. **"And snarls** [*yitgala*] **against all sound wisdom,"** this too describes Lot, **as his shame was** eventually **revealed** [*nitgala*] **in the synagogues,** when his actions recorded in the Torah are read in public, **and in the study halls,** where the *halakhot* of his descendants are taught. **As we learned** in a mishna: **An Ammonite and a Moabite are prohibited**[H] from entering the congregation by marrying a Jewish woman, **and their prohibition is permanent.**

אָמַר עוּלָּא: תָּמָר זִינְּתָה, זִמְרִי זִינָּה.

§ In relation to the preceding discussion with regard to the daughters of Lot, who acted in a wanton manner for the sake of a mitzva, the Gemara cites that which **Ulla said: Tamar engaged in licentious** sexual intercourse with her father-in-law, Judah (see Genesis, chapter 38), and **Zimri** ben Salu also **engaged in licentious** sexual intercourse with a Midianite woman (see Numbers, chapter 25).

תָּמָר זִינְּתָה – יָצְאוּ מִמֶּנָּה מְלָכִים וּנְבִיאִים, זִמְרִי זִינָּה – נָפְלוּ עָלָיו כַּמָּה רְבָבוֹת מִיִּשְׂרָאֵל.

Yet despite the similarity between their actions, **Tamar engaged in licentious** sexual intercourse for the sake of a mitzva, to have children, and therefore she merited that **kings** of the House of David **descended from her.** King David's lineage traces back to Tamar's son Peretz (see Ruth 4:18–22). **And** she also merited to be the ancestor of **prophets,** e.g., Isaiah, who was related to the royal family. Conversely, with regard to **Zimri,** who **engaged in licentious** sexual intercourse for the purpose of a transgression, **several multitudes of Israel fell due to him;** twenty-four thousand in a plague (see Numbers 25:9). This shows that a great deal depends on one's intentions.

אָמַר רַב נַחְמָן בַּר יִצְחָק: גְּדוֹלָה עֲבֵירָה לִשְׁמָהּ מִמִּצְוָה שֶׁלֹּא לִשְׁמָהּ. וְהָאָמַר רַב יְהוּדָה אָמַר רַב: לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וּבְמִצְוֹת אֲפִילּוּ שֶׁלֹּא לִשְׁמָן, שֶׁמִּתּוֹךְ שֶׁלֹּא לִשְׁמָן בָּא לִשְׁמָן!

§ **Rav Naḥman bar Yitzḥak said: Greater is a transgression** committed **for its own sake,** i.e., for the sake of Heaven, **than a mitzva** performed **not for its own sake.** The Gemara questions this comparison: **But didn't Rav Yehuda say** that **Rav said: A person should always occupy himself with Torah**[H] **and mitzvot even not for their own sake, as** it is **through** acts performed **not for their own sake** that good deeds **for their own sake come** about? How, then, can any transgression be considered greater than a mitzva not for the sake of Heaven?

אֶלָּא אֵימָא: כְּמִצְוָה שֶׁלֹּא לִשְׁמָהּ, דִּכְתִיב "תְּבֹרַךְ מִנָּשִׁים יָעֵל אֵשֶׁת חֶבֶר הַקֵּינִי מִנָּשִׁים בָּאֹהֶל תְּבֹרָךְ". מַאן נָשִׁים שֶׁבָּאֹהֶל – שָׂרָה רִבְקָה רָחֵל וְלֵאָה.

Rather, one must emend the above statement and **say** as follows: A transgression for the sake of Heaven is **equivalent to a mitzva not for its own sake.** The proof is **as it is written: "Blessed above women shall Yael be, the wife of Hever the Kenite, above women in the tent**[N] **she shall be blessed"** (Judges 5:24), and it is taught: **Who are** these **"women in the tent?"**[N] They are **Sarah, Rebecca, Rachel, and Leah.** Yael's forbidden intercourse with Sisera for the sake of Heaven is compared to the sexual intercourse in which the Matriarchs engaged.

NOTES

Than a strong city – מִקִּרְיַת עֹז: The early commentaries explain that the term "strong city" alludes to Abraham, who is described in similar terms: "Look to the rock from where you were hewn and to the hole of the pit from where you were dug; look to Abraham your father" (Isaiah 51:1–2).

Against all sound wisdom, etc. – וּבְכָל תּוּשִׁיָּה וכו': As mentioned in several places in Proverbs (see Proverbs 2:7), the Torah is called: "Sound wisdom." Consequently, the phrase "all sound wisdom" refers to all parts of the Torah, both the Written Law and the Oral Law. Therefore, the Gemara mentions synagogues, in which the Written Torah is read, as well as the study halls, where the Oral Law is studied (Commentary on *Nazir*).

Above women in the tent – מִנָּשִׁים בָּאֹהֶל: The Gemara in tractate *Sanhedrin* (105b) explains that the prefix *mem*, translated as "above," does not necessarily mean: Better than, as in the first version of Rav Naḥman bar Yitzḥak's statement. Rather, it can be interpreted as a kind of comparison: She is like the women in the tent. Alternatively, it means that she too will receive the blessing of the women in the tent (Rosh). According to this interpretation, the *mem* means: From (see *Birkat Rosh*).

Who are these women in the tent, etc. – מַאן נָשִׁים שֶׁבָּאֹהֶל וכו': The commentaries cite verses that mention each of the Matriarchs in connection to a tent (*Tosafot*). As for the basis of this comparison, some commentaries explain that three of the Matriarchs performed a mitzva not for its own sake, as each gave their maidservant to their husband out of jealousy, either of their sister or of other mothers (Commentary on *Nazir*). Others state that as the Matriarchs enjoyed sexual intercourse with their husbands, theirs was like a mitzva performed not for its own sake, whereas Yael derived no pleasure at all (*Tosafot* on *Yevamot* 103a). Several later commentaries explain at length that the Matriarchs cannot be seen as acting other than for the sake of the mitzva. Rather, the Gemara means that Yael's motivation was as pure as theirs.

HALAKHA

An Ammonite and Moabite are prohibited, etc. – עַמּוֹנִי וּמוֹאָבִי אֲסוּרִין וכו': All male Ammonites and Moabites are prohibited from entering into the Jewish people, i.e., they may not marry Jewish women. However, all females of these nations are permitted to marry Jews (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 12:18; *Shulḥan Arukh*, *Even HaEzer* 4:2).

A person should always occupy himself with Torah, etc. – לְעוֹלָם יַעֲסוֹק אָדָם בְּתוֹרָה וכו': One should always occupy himself with Torah, even not for its own sake, as by studying not for its own sake he will come to study for the sake of Heaven (Rambam *Sefer HaMadda*, *Hilkhot Teshuva* 10:5 and *Hilkhot Talmud Torah* 3:5; *Shulḥan Arukh*, *Yoreh De'a* 246:20).

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אָמַר רַבִּי יוֹחָנָן: שֶׁבַּע בְּעִילוֹת בָּעַל אוֹתוֹ רָשָׁע בְּאוֹתָהּ שָׁעָה, שֶׁנֶּאֱמַר ״בֵּין רַגְלֶיהָ כָּרַע נָפַל שָׁכָב״ וגו׳.

The Gemara asks: How is it derived that Yael engaged in sexual intercourse with Sisera? As **Rabbi Yoḥanan said: That wicked one,** Sisera, **engaged in seven acts of sexual intercourse** with Yael **at that time, as it is stated: "Between her feet he sunk, he fell, he lay;** between her feet he sunk, he fell; where he sunk, there he fell down dead" (Judges 5:27). Each mention of falling is referring to another act of intercourse.

וְהָא קָא מִתְהַנְּיָא מִבְּעִילָה דִּילֵיהּ! אָמַר רַבִּי יוֹחָנָן: כָּל טוֹבָתָן שֶׁל רְשָׁעִים אֵינָהּ אֶלָּא רָעָה אֵצֶל צַדִּיקִים,

The Gemara asks: **But** Yael at least **enjoyed the sexual intercourse** with **him;** why is the verse so effusive in her praise? **Rabbi Yoḥanan said: All the good of the wicked,** i.e., anything good received from wicked people, **is nothing other** than **evil for the righteous,** and therefore she certainly derived no pleasure from the act.

שֶׁנֶּאֱמַר ״הִשָּׁמֶר לְךָ מְדַבֵּר עִם יַעֲקֹב מִטּוֹב וְעַד רָע״. בִּשְׁלָמָא רַע – שַׁפִּיר, אֶלָּא טוֹב אַמַּאי לָא? אֶלָּא לָאו שְׁמַע מִינָּהּ: טוֹבָתוֹ רָעָה הִיא, שְׁמַע מִינָּהּ.

The Gemara asks: From where is this principle derived? **As** it **is stated** in the verse that God warned Laban the Aramean, when he was chasing Jacob: **"Guard yourself from speaking to Jacob, from good to evil"** (Genesis 31:24). **Granted,** with regard to the warning against speaking **evil,** it is **fine** that Laban was warned not to harm Jacob. **However, why shouldn't** he say anything **good** to Jacob? **Rather,** must one **not conclude from** this verse that even Laban's **good is bad** in Jacob's eyes? The Gemara concludes: **Learn from this** that it is so.

גּוּפָא, אָמַר רַב יְהוּדָה אָמַר רַב: לְעוֹלָם יַעֲסוֹק אָדָם בַּתּוֹרָה וּבְמִצְוֹת אֲפִילּוּ שֶׁלֹּא לִשְׁמָן, שֶׁמִּתּוֹךְ שֶׁלֹּא לִשְׁמָן בָּא לִשְׁמָן. שֶׁבִּשְׁכַר אַרְבָּעִים וּשְׁנַיִם קָרְבָּנוֹת שֶׁהִקְרִיב בָּלָק הָרָשָׁע – זָכָה וְיָצְאָה מִמֶּנּוּ רוּת. וְאָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: רוּת בַּת בְּנוֹ שֶׁל עֶגְלוֹן מֶלֶךְ מוֹאָב הָיְתָה.

§ The Gemara returns to analyze in greater detail **the** above matter **itself. Rav Yehuda said** that **Rav said: A person should always occupy himself with Torah and mitzvot even not for their own sake, as through** these acts performed **not for their own sake,** good deeds **for their own sake come** about. The proof for this is **that in reward for the forty-two offerings**[N] **that the wicked Balak sacrificed** (see Numbers, chapter 23), although he did not do so for the sake of Heaven but to facilitate the cursing of the Jewish people, nevertheless **he merited that Ruth descended from him.** Not only was he the forebear of a righteous convert, but also of King David. **And** this is as **Rabbi Yosei, son of Rabbi Ḥanina, said: Ruth was the daughter of the son of Eglon,**[N] **king of Moab,** who descended from Balak, king of Moab.

אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: מִנַּיִן שֶׁאֵין הַקָּדוֹשׁ בָּרוּךְ הוּא מְקַפֵּחַ אֲפִילּוּ שְׂכַר שִׂיחָה נָאָה – דְּאִילּוּ בְּכִירָה דִּקְרִיתֵיהּ ״מוֹאָב״. אֲמַר לֵיהּ רַחֲמָנָא ״אַל תָּצַר אֶת מוֹאָב וְאַל תִּתְגָּר בָּם מִלְחָמָה״. מִלְחָמָה הוּא דְּלָא – אֲבָל צָעְוּרֵי צַעֲרִינָן.

Rabbi Ḥiyya bar Abba said that **Rabbi Yoḥanan said: From where** is it derived **that the Holy One, Blessed be He, does not deprive** one of **even** the **reward for proper speech,** i.e., for speaking in a refined manner? **As while** there is the case of Lot's **elder** daughter, **who called** her son **Moab** [*mo'av*], which alludes to his shameful origins, as *me'av* means: From father, **and the Merciful One says to** Moses: **"Do not besiege Moab, nor contend with them in war"** (Deuteronomy 2:9), which indicates: It is **war that is not** permitted; **however,** with regard to **harassing,** the Jews were permitted **to harass them.**

וְאִילּוּ צְעִירָה דִּקְרִיתֵיהּ ״בֶּן עַמִּי״. אֲמַר לֵיהּ ״אַל תְּצָרֵם וְאַל תִּתְגַּר בָּם״ – אֲפִילּוּ צָעְוּרֵי לָא תְּצַעֲרִינָן כְּלָל.

And while there is the case of Lot's **younger** daughter, **who called** her son **Ben-Ami,** son of my people, without explicitly mentioning her father. With regard to her descendants, God **said to** Moses: **"Do not harass them, nor contend with them"** (Deuteronomy 2:19), which means **even** as far as **harassing** is concerned, **you may not harass them at all.**

אָמַר רַבִּי חִיָּיא בַּר אָבִין אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן קָרְחָה: לְעוֹלָם יְקַדִּים אָדָם לְדַבֵּר מִצְוָה, שֶׁבִּשְׁכַר לַיְלָה אַחַת שֶׁקִּדְּמַתָּה בְּכִירָה לַצְּעִירָה

Rabbi Ḥiyya bar Avin said that **Rabbi Yehoshua ben Korḥa said: A person should always come first** with regard **to a matter of a mitzva, as in reward of** the **one night that the elder** daughter of Lot **preceded the younger** for the sake of a mitzva,

NOTES

Forty-two offerings – אַרְבָּעִים וּשְׁנַיִם קָרְבָּנוֹת: The Torah states that Balak built seven altars in three different places, on each of which he sacrificed two offerings, a cow and a ram.

The daughter of the son of Eglon – בַּת בְּנוֹ שֶׁל עֶגְלוֹן: This does not mean that she was actually the daughter of his son. Rather, she was a descendant of his, as they are separated by several generations (*Tosafot*). Eglon is mentioned here in light of the statement in tractate *Sanhedrin* (105b) that Balak was his ancestor. Alternatively, the reference to Eglon alludes to the fact that he too was rewarded and became an ancestor of Ruth's due to one good deed, as he arose in honor of the name of God upon Ehud ben Gera's arrival (see Judges 3:20).

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זָכְתָה וְקָדְמָה אַרְבָּעָה דּוֹרוֹת בְּיִשְׂרָאֵל לַמַּלְכוּת.

she merited to precede the younger daughter by **four generations to the monarchy of the Jewish people.** The descendants of Ruth the Moabite ruled over the Jewish people for four generations: Obed, Yishai, David, and Solomon, before the reign of Solomon's son Rehoboam, whose mother was Naamah the Ammonite.

מתני׳ הָאִשָּׁה שֶׁנָּדְרָה בְּנָזִיר וְהִפְרִישָׁה אֶת בְּהֶמְתָּהּ, וְאַחַר כָּךְ הֵיפֵר לָהּ בַּעְלָהּ. אִם שֶׁלּוֹ הָיְתָה הַבְּהֵמָה – תֵּצֵא וְתִרְעֶה בָּעֵדֶר.

MISHNA With regard to **a woman who vowed**[H] **to be a nazirite and separated her animals** for her offerings of purity at the end of her term,[B] **and afterward her husband nullified her vow,** which means that she is not in fact a nazirite, what becomes of these animals? **If the animal was his, it shall go out and graze among** the **flock** until it becomes blemished, like regular non-consecrated animals.

וְאִם שֶׁלָּהּ הָיְתָה הַבְּהֵמָה, הַחַטָּאת – תָּמוּת, וְעוֹלָה – תִּקָּרֵב עוֹלָה. שְׁלָמִים – תִּקָּרֵב שְׁלָמִים, וְנֶאֱכָלִין לְיוֹם אֶחָד וְאֵינָן טְעוּנִין לֶחֶם.

And if the animal was hers, different *halakhot* apply to the various offerings: **The** animal she set aside as **a sin-offering must** be left to **die**[N] by being shut in an enclosed area and deprived of food and water, as will be explained in the Gemara. **And** the animal separated for **a burnt-offering is sacrificed** on the altar as **a burnt-offering,** as in any case one may bring a voluntary burnt-offering. As for the one designated for **a peace-offering,** it is **sacrificed** as a voluntary **peace-offering. And** this peace-offering **is eaten for** only **one day,** in accordance with the *halakha* of the nazirite's peace-offering, despite the fact that regular peace-offerings may be eaten for two days. **But** the offering **does not require bread,** i.e., loaves and wafers, unlike that of a nazirite.

הָיוּ לָהּ מָעוֹת סְתוּמִין – יִפְּלוּ לִנְדָבָה. מָעוֹת מְפוֹרָשִׁין, דְּמֵי חַטָּאת – יֵלְכוּ לְיַם הַמֶּלַח, לֹא נֶהֱנִין וְלֹא מוֹעֲלִין בָּהֶן.

If **she had unallocated funds,**[H] i.e., she had separated money for her offerings but had not stated which coins were designated for which offering, all the money **will be earmarked for** communal **gift** offerings.[N] If she had **allocated funds,** i.e., she had decided which coins were for the payment of each offering, even if she had not yet purchased the animals, **the money for the sin-offering** is **taken** and cast **into the Dead Sea,** i.e., it must be destroyed, either by being thrown into the sea or by some other means. One may **not benefit** from it, as it possesses a measure of sanctity, **but** one also does **not misuse** property consecrated to the Temple **with it.** In other words, if one did derive benefit from this money he is not liable to bring an offering for misusing consecrated property.

דְּמֵי עוֹלָה – יָבִיאוּ עוֹלָה, וּמוֹעֲלִין בָּהֶן. דְּמֵי שְׁלָמִים – יָבִיאוּ שְׁלָמִים, וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵין טְעוּנִין לֶחֶם.

As for **the money for the burnt-offering, a burnt-offering is brought** with those coins, **and** one who benefits **from it** is liable for **misuse** of consecrated property, as it is sacred since it can be used toward the purchase of a gift offering. Similarly, with regard to **the money for a peace-offering, a peace-offering is brought** with those coins, **and** it **is eaten for one day and does not require bread.**

גמ׳ מַאן תַּנָּא דְּבַעַל לָא מִשְׁתַּעְבֵּד לָהּ? אָמַר רַב חִסְדָּא: רַבָּנַן הִיא. דְּאִי סָלְקָא דַּעְתָּךְ רַבִּי יְהוּדָה הִיא – אַמַּאי תֵּצֵא וְתִרְעֶה בָּעֵדֶר? הָא מִשְׁתַּעְבֵּד לָהּ!

GEMARA The Gemara inquires: **Who** is the *tanna* who **taught that a husband is not indebted to** his wife, i.e., he is not required to provide her with her obligatory offerings? It is evident that the *tanna* of the mishna maintains that this is the case, as he rules that the animal does not remain sacred if it belonged to her husband. **Rav Ḥisda said: It is** the opinion of **the Rabbis. As, if it should enter your mind** that **it is** the opinion of **Rabbi Yehuda, why** should an animal that belonged to the husband **go out and graze among** the **flock** until it becomes blemished? After all, the husband is **indebted** and required **to** give **her** the offerings she requires, which means that her consecration is valid even if she used his animals.

HALAKHA

A woman who vowed, etc. – הָאִשָּׁה שֶׁנָּדְרָה וכו׳: With regard to a woman who took a vow of naziriteship, set aside animals for this purpose, and afterward her husband nullified her vow, if the animals belonged to him they are set free to graze with the rest of the flock. If she had exclusive ownership of the animals, the sin-offering must be left to die, the burnt-offering is sacrificed as a burnt-offering, and the peace-offering is sacrificed as a peace-offering. However, this peace-offering must be eaten in one day and does not require bread, unlike standard peace-offerings (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:9).

If she had unallocated funds, etc. – הָיוּ לָהּ מָעוֹת סְתוּמִין וכו׳: With regard to a woman who took a vow of naziriteship, set aside her own money to purchase the offerings, and then her husband proceeded to nullify her vow, if she had not specified which coins were for which animal, they are all used for the purchase of communal gift offerings. If she had specified, then the money for the sin-offering is cast into the Dead Sea, i.e., it is prohibited to benefit from it but one who does so has not misused sacred property. The money for the burnt-offering is used for the purchase of a burnt-offering. Lastly, the money for the peace-offering is used to buy a peace-offering, which is eaten for one day and does not require bread (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:10 and *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

BACKGROUND

A nazirite…separated her animals at the end of her term – נָזִיר וְהִפְרִישָׁה אֶת בְּהֶמְתָּהּ: A nazirite who completes the term of naziriteship must bring two lambs as offerings: One female as a sin-offering and one male as a burnt-offering, and a ram as a peace-offering (Numbers 6:13–21). The nazirite must be shorn of all hair of the head, which is burned beneath the pot in which the ram sacrificed as a peace-offering is cooked.

NOTES

The sin-offering must be left to die – הַחַטָּאת תָּמוּת: Although one might think that the animal should be considered entirely non-sacred, as it was consecrated in error, this is not the case, as explained by the Gemara earlier (21b), in accordance with the variant readings and interpretations of the discussion there. Some commentaries explain that this is in accordance with the opinion of Rabbi Elazar HaKappar that a nazirite sins through the very acceptance of naziriteship, and therefore the animal retains a measure of sanctity and does not revert to its earlier state (*Tosafot*). Others maintain that the animal is considered a sin-offering whose owner has gained atonement by means of another, as she is no longer in need of it (Commentary on *Nazir*). In the Jerusalem Talmud it is similarly stated that the reason is that the husband's nullification does not uproot the vow entirely. Consequently, although she need not observe naziriteship at this stage, because the consecration of the sin-offering was proper at the time it must now be left to die rather than be set free as a non-sacred animal.

Will be earmarked for communal gift offerings – יִפְּלוּ לִנְדָבָה: In other words, the money is placed in a special box in the Temple designated for this money (see *Shekalim* 6:5). The mishna there (6:6) explains that the money from this box was used for the purchase of burnt-offerings, whose hides went to the priests. Some commentaries maintain that in this case the woman herself must use the money for gift burnt-offerings (Meiri).

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HALAKHA

A person brings the offering of a rich man, etc. – אָדָם מֵבִיא קָרְבַּן עָשִׁיר וכו׳: A husband must provide all the offerings that his wife is obligated to bring. If he is poor he supplies the offering of a poor man; if he is rich he gives her those of a rich person (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 10:6).

NOTES

Rather, what are the circumstances, etc. – אֶלָּא הֵיכִי דָּמֵי וכו׳: Some commentaries explain that this is the conclusion of the previous argument: The mishna cannot be in accordance with the opinion of the Rabbis because if he did not give her the animal it is not consecrated at all, and if he did transfer its ownership it is entirely hers, and therefore the sin-offering must be left to die. Consequently, there is no way to explain the mishna in accordance with the opinion of the Rabbis (Commentary on *Nazir*). According to this explanation, in this context the phrase: Obligated to her, means that the animal belongs to her. Other commentaries point out that according to the explanation of the Ran on *Nedarim* 83a, the Rabbis concede that the husband is obligated to fund his wife's offerings, and this is the meaning of this statement (*Keren Ora*). Others maintain that the Gemara there is referring to the opinion of Rabbi Yehuda (see *Tosafot*).

דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: אָדָם מֵבִיא קָרְבַּן עָשִׁיר עַל אִשְׁתּוֹ,

The Gemara provides the source for the opinion of Rabbi Yehuda: **As it is taught** in a *baraita* that **Rabbi Yehuda says: A person brings the offering of a rich** man[H] **on behalf of his wife.** If a wife is obligated to bring an offering that is different depending on whether she is wealthy or poor, e.g., the offering of a childbearing woman, then even if she herself does not own enough to be considered wealthy, if her husband can afford it he must bring the offering of a rich person on her behalf.

וְכֵן כָּל קָרְבְּנוֹתֶיהָ שֶׁהִיא חַיֶּבֶת, שֶׁכָּךְ כָּתַב לָהּ ״כָּל אַחֲרָיוּת דְּאִית לֵיךְ עָלַי מִן קַדְמַת דְּנָא״.

And similarly, he brings **all her offerings that she is obligated** to bring, even those whose obligation preceded their marriage. The reason is **that he wrote to her** in her marriage contract **like this:** I accept upon myself **all** claims of **guarantee that you have upon me from beforehand.** These obligations include her offerings.

רָבָא אָמַר: אַפִּילּוּ תֵּימָא רַבִּי יְהוּדָה, כִּי מְשַׁעְבַּד לָהּ – בְּמִילְּתָא דְּצָרִיכָא לָהּ, בְּמִילְּתָא דְּלָא צָרִיכָא לָהּ – לָא.

Rava said: You can **even say** that the mishna is in accordance with the opinion of **Rabbi Yehuda,** and nevertheless the husband is under no obligation if he nullified her vow. The reason is as follows: **When** is **he obligated** to bring **her** offerings? It is only **in** the case of **a matter that is necessary for her** to bring. However, **in** the case of **a matter that is not necessary for her** to bring, he is under **no** such obligation. Here, too, once he has nullified her naziriteship, she is no longer in need of this offering.

אִיכָּא דְּאָמְרִי: מַאן תַּנָּא? אֲמַר רַב חִסְדָּא: רַבִּי יְהוּדָה הִיא, וְכִי מְשַׁעְבַּד לָהּ – בְּמִילְּתָא דְּצָרִיכָא לָהּ, בְּמִילְּתָא דְּלָא צָרִיכָא לָהּ – לָא, דְּאִי רָבָנַן – לָא מְשַׁעְבַּד לָהּ כְּלָל.

Some say a different version of this discussion: **Who** is the *tanna* who **taught** that only a husband who nullified his wife's vow is exempt from providing her offerings? **Rav Ḥisda said** that **it is Rabbi Yehuda, and** his opinion is as follows: **When** is **he indebted** to fund **her** offerings? It is **in** the case of **a matter that is necessary for her** to bring, but **in** the case of **a matter that is not necessary for her** to bring, he is under **no** such obligation. **As,** if it is in accordance with the opinion of **the Rabbis, he is not mortgaged to her** in this regard **at all.**

אֶלָּא הֵיכִי דָּמֵי דְּמְשַׁעְבַּד לָהּ – כְּגוֹן דְּאַקְנְיֵיהּ לָהּ, וְכֵיוָן דְּאַקְנֵי לָהּ – הֲוָה דְּנַפְשָׁהּ.

Rather, what are the circumstances[N] in which **he is obligated to** provide **her** offering, according to the opinion of the Rabbis? **For example, if he transferred** the animal **to her** possession. **But** in that case, **since he has transferred it to her, it is her own,** which means that she has effectively separated the offering from her own property. The mishna cannot be referring to this situation, as the animal does not revert to a non-sacred state in a case of this kind. Evidently, the mishna is in accordance with the opinion of Rabbi Yehuda.

Perek **IV**
Daf **24** Amud **b**

רָבָא אָמַר: אַפִּילּוּ תֵּימָא רַבָּנַן; כִּי מַקְנֵי לָהּ נַמִּי – בְּמִילְּתָא דְּצָרִיכָא לָהּ, בְּמִילְּתָא דְּלָא צָרִיכָא לָהּ – לָא מַקְנֵי לָהּ.

Rava said: You can **even say** that the mishna is in accordance with the opinion of **the Rabbis,** and the reason the animal loses its sanctity is that **even when he transfers it to her,**[N] he does so **for a matter that is necessary for her** to bring, but **for a matter** that **is not necessary for her** to bring, **he does not transfer it to her.**

NOTES

Even when he transfers it to her, etc. – כִּי מַקְנֵי לָהּ נַמִּי וכו׳: Some commentaries explain that the husband said to her that the animal is hers if she needs it for her atonement (Commentary on *Nazir*). Others claim that if he makes an explicit condition of this kind, it is obvious that the acquisition is repealed if she no longer requires atonement. Rather, the husband simply said to her that he is giving her this animal for the purpose of her atonement (*Keren Ora*). Rabbeinu Peretz, citing Rabbeinu Meir, asks: By saying that the animal is for his wife's naziriteship, the husband has effectively upheld her vow. How, then, can he later nullify it? And if he issued no stipulation at all, why isn't the animal considered hers in all regards, like any gift a man gives his wife? He answers that the husband said to his wife that if she requires any animal for an offering she may take one of his (see *Tosafot* and Rabbeinu Todros).

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״אִם שֶׁלָּהּ הָיְתָה בְּהֶמְתָּהּ חֲטָאת תָּמוּת וְעוֹלָה תִּקָּרֵב״. הֵיאַךְ מְנָא לָהּ? דָּאָמְרַתְּ: מַה שֶּׁקָּנְתָה אִשָּׁה קָנָה בַּעְלָהּ! אֲמַר רַב פַּפָּא: שֶׁקִּמְּצָתָהּ מֵעִיסָּתָהּ. אִיבָּעֵית אֵימָא: דְּאַקְנֵי לָהּ אַחֵר, וַאֲמַר לָהּ ״עַל מְנָת שֶׁאֵין לְבַעְלֵיךְ רְשׁוּת בָּהֶן״.

§ The mishna teaches: **If the animal was hers, the sin-offering must** be left to **die and the burnt-offering is sacrificed.** The Gemara asks: **She,** this married woman, **from where** does she have **her** own property? **Haven't you said** as a principle that with regard to any item **that a woman acquires, her husband** automatically **acquires**[H] it from her? **Rav Pappa said:** This is referring to a case **where she saved it from her dough,** i.e., she was able to buy the animal with the money she saved by eating less. And **if you wish, say** instead **that another** person **transferred** the property **to her, and** he **said to her** that he is doing so **on the condition that your husband has no**[H] **rights to it.** In that case the wife is the exclusive owner of the animal.

״הָעוֹלָה תִּקָּרֵב עוֹלָה וְהַשְּׁלָמִים תִּקָּרֵב״ כו׳. אֲמַר לֵיהּ שְׁמוּאֵל לַאֲבוּהּ בַּר אִיהִי: לָא תֵּיתִיב עַל בַּרְעֵיךְ עַד דַּאֲמַרְתְּ לִי הָדָא מִילְתָא; וְאֵלּוּ הֵן אַרְבָּעָה אֵילִים שֶׁאֵינָן טְעוּנִין לֶחֶם: שֶׁלּוֹ, וְשֶׁלָּהּ, וְשֶׁלְּאַחַר הַמִּיתָה, וְשֶׁלְּאַחַר כַּפָּרָה.

§ The mishna taught that **the burnt-offering is sacrificed as a burnt-offering and the peace-offering is sacrificed** as a peace-offering. **Shmuel said to Avuh bar Ihi: You shall not sit on your feet**[N] **until you say** and explain **to me this matter** taught in a *baraita*: **And these are** the **four rams** of the nazirite's offering **that do not require bread** to be brought with them, in contrast to the usual practice: **His, hers, the one** brought **after death, and the one** brought **after** the nazirite has gained **atonement** by means of a different offering.

שֶׁלָּהּ – הָא דַּאֲמָרַן. שֶׁלּוֹ – דְּתָנַן: הָאִישׁ מַדִּיר אֶת בְּנוֹ בְּנָזִיר, וְאֵין הָאִשָּׁה מֵדֶּרֶת אֶת בִּתָּהּ בְּנָזִיר. גִּילְּחָה אוֹ שָׁגִילְּחוּהוּ קְרוֹבִים, מִיחָה אוֹ שֶׁמִּיחוּהוּ קְרוֹבִים;

The Gemara clarifies this statement: **Hers,** this is **that** which **we** just **said,** the offering of a woman who separated an animal of her own before her husband proceeded to nullify her vow. **His, as we learned** in a mishna (28b): **A man can vow his son to** become **a nazirite,** i.e., he can apply a vow of naziriteship to his minor son, **but a woman cannot vow her son to** become **a nazirite.** If the son objects, either of his own initiative or at the behest of others, his father's vow is canceled. Consequently, if the boy **shaved** his hair during the period of naziriteship, thereby demonstrating his desire not to be a nazirite, **or if relatives shaved him,** or even if the minor performed no action at all but simply **objected, or if** his **relatives made him object,** his naziriteship is canceled.

הָיוּ לוֹ מָעוֹת סְתוּמִין – יִפְּלוּ לִנְדָבָה. מָעוֹת מְפוֹרָשִׁין, דְּמֵי חַטָּאת – יֵלְכוּ לְיַם הַמֶּלַח, דְּמֵי עוֹלָה – יָבִיאוּ עוֹלָה, וּמוֹעֲלִין בָּהֶן. דְּמֵי שְׁלָמִים – יָבִיאוּ שְׁלָמִים, וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֶחֶם.

In that case, if **he had unallocated funds,** which had been consecrated for the child's offerings but not designated for any particular offering, all the money **will be earmarked for** communal **gift offerings.** If he had **allocated funds** designated for a particular offering, **the money for a sin-offering** is **taken** and cast **into the Dead Sea;**[B] **the money for a burnt-offering is brought** as **a burnt-offering, and** one who benefits **from it** is liable for **misuse** of consecrated property; and **the money for a peace-offering is brought** as **a peace-offering and it is eaten for one day and does not require bread.**

שֶׁלְּאַחַר מִיתָה מְנָלַן – דְּתַנְיָא: הַמַּפְרִישׁ מָעוֹת לִנְזִירוּתוֹ – לֹא נֶהֱנִין וְלֹא מוֹעֲלִין בָּהֶן, מִפְּנֵי שֶׁהֵן רְאוּיִין לְהָבִיא בְּכוּלָּן שְׁלָמִים.

With regard to a ram **that is after** its owner's **death, from where do we** derive that this offering requires no bread? **As it is taught** in a mishna (*Me'ila* 18a): With regard to **one who separates money for his naziriteship**[H] without specifying an offering, he may **not derive benefit** from them, **but** one who benefits **from it** is **not** liable for **misuse** of consecrated property. Why is he not liable to bring an offering for misuse of consecrated property? It is **because** the money **is fit to bring peace-offerings with all of it,** and no misuse is effected by deriving benefit from a peace-offering until after its blood has been sprinkled.

מֵת וְהָיוּ לוֹ מָעוֹת סְתוּמִים – יִפְּלוּ לִנְדָבָה. מָעוֹת מְפוֹרָשִׁין; דְּמֵי חַטָּאת – יוֹלִיךְ לְיַם הַמֶּלַח לֹא נֶהֱנִין וְלֹא מוֹעֲלִין. דְּמֵי עוֹלָה – יָבִיאוּ עוֹלָה, וּמוֹעֲלִין בָּהֶן. דְּמֵי שְׁלָמִים – יָבִיאוּ שְׁלָמִים, וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֶחֶם.

The mishna continues: If the one who set aside the money **died and he had unallocated funds, they are** all **allocated for** communal **gift** offerings. If he left behind **allocated funds,** with regard to **the money for a sin-offering,** one must **take** it and cast it **into the Dead Sea;** one may **not derive benefit** from it **but** one who benefits **from it** is **not** liable for **misuse** of consecrated property. **The money for a burnt-offering is brought** as **a burnt-offering, and** one who benefits **from it** is liable for **misuse** of consecrated property. **The money for a peace-offering is brought** as **a peace-offering, and it is eaten for one day and does not require bread.** This is the case of a ram after its owner's death that does not require bread.

HALAKHA

Any item that a woman acquires, her husband acquires – מַה שֶּׁקָּנְתָה אִשָּׁה קָנָה בַּעְלָהּ: If one gives a gift to a married woman, the item itself belongs to the woman but any benefit derived from it goes to her husband. The same applies to any money that enters her possession, whether by way of inheritance, lost property, or if she was paid a fine. In all these cases the money belongs to her, but the profits belong to her husband (Rambam *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 3:12 and *Sefer Hafla'a*, *Hilkhot Nedarim* 7:17; *Shulḥan Arukh*, *Even HaEzer* 85:7).

On the condition that your husband has no, etc. – עַל מְנָת שֶׁאֵין לְבַעְלֵיךְ וכו׳: If one gives a gift to a married woman on the condition that her husband has no rights to it, the husband does not acquire the gift. Some authorities (Ra'avad; Rabbeinu Tam) maintain that if the giver did not specify what the gift was for, even if he said she may use it as she wishes, the husband acquires the profits notwithstanding the condition (Rambam *Sefer Kinyan*, *Hilkhot Zekhiya UMattana* 3:13 and *Sefer Hafla'a*, *Hilkhot Nedarim* 7:17; *Shulḥan Arukh*, *Yoreh De'a* 222:1).

One who separates money for his naziriteship – הַמַּפְרִישׁ מָעוֹת לִנְזִירוּתוֹ: With regard to one who separates money for his naziriteship without specifying for which offering they are to be used, it is prohibited to derive benefit from them. However, one who did so has not misused consecrated property, as all of the money is fit to be used for peace-offerings, which are not subject to the *halakhot* of misuse until their blood has been sprinkled on the altar. If the owner died, all of the money goes toward gift offerings. If he designated specific coins for particular offerings, the money for the sin-offering is taken and cast into the Dead Sea, i.e., it is prohibited to benefit from it but one is not liable for misuse if one does so; the money of the burnt-offering is used for a burnt-offering and one who benefits from it is liable for misuse of consecrated property; while the money of the peace-offering goes toward a peace-offering, which is eaten for one day and does not require bread (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:3 and *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

NOTES

You shall not sit on your feet – לָא תֵּיתִיב עַל בַּרְעֵיךְ: The commentaries read this as a shortened form of: You shall not sit but instead you must stand on your feet and explain this matter to me. They interpret it in this fashion because the command: Sit on your feet, does not appear to make sense. Some suggest that it might have been the custom to sit on the ground cross-legged (*Oraḥ Mishor*).

BACKGROUND

The Dead Sea – יַם הַמֶּלַח: The expression: Dead Sea, can sometimes refer to any of the saltwater seas, as opposed to freshwater lakes. However, it usually refers specifically to the Dead Sea, also referred to in talmudic sources as the Sea of Sodom. Any item from which it is prohibited to derive benefit may be thrown into the Dead Sea, as there are no fishermen or people who will come to retrieve items thrown there. It is also possible that due to the high concentration of salt in the Dead Sea, items cast into it will become rusty and decayed in a short period of time, rendering them useless, as all items placed in the Dead Sea quickly become covered with a thick layer of salt.



Salt-covered rock on the Dead Sea shore

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HALAKHA

And all the other peace-offerings of a nazirite, etc. – וּשְׁאָר כָּל שַׁלְמֵי נָזִיר וכו׳: The peace-offerings of a nazirite that were slaughtered not in accordance with their mitzva or not for their sake are valid, but the owners have not fulfilled their obligation. These offerings are eaten for one day and one night, and they require neither bread, nor the priestly gifts, nor the foreleg (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:12 and *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 15:20).

NOTES

Not in accordance with their mitzva – שֶׁלֹּא כְּמִצְוָתָן: Some commentaries explain that this refers to offerings slaughtered not for their own sake (*Tosafot*, citing Rashi on *Menaḥot* 48b). In most cases, the fact that the slaughtering or the sprinkling of the blood was not performed for the sake of the appropriate offering does not invalidate it entirely. Rather, the offering is valid, but it does not count toward its owner's obligation, i.e., he does not gain atonement through it. Some commentaries accept this interpretation, despite the objection that the Gemara should have said this explicitly. Rashi on *Menaḥot* cites an alternative explanation, which is mentioned by the Commentary on *Nazir* here: One erred in the offering itself, e.g., he brought a sheep in its first year instead of one in its second year, as required. Alternatively, he slaughtered the peace-offering before he completed his term of naziriteship (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

שֶׁלְּאַחַר כַּפָּרָה – סְבָרָא הוּא: שֶׁלְּאַחַר הַמִּיתָה מַאי טַעַם – דְּלָא חֲזָיָא לְכַפָּרָה, שֶׁלְּאַחַר כַּפָּרָה נַמִּי – הָא לָא חֲזָיָא לְכַפָּרָה.

As for the ram **that is after atonement,** whose owner has used a different offering to achieve atonement, the *halakha* that this offering does not require bread is not taught explicitly. Rather, it **is** based on **logical reasoning: What is the reason** that no bread is brought in the case of a ram **that is** sacrificed **after the death** of its owner? It is that this offering is **not fit for atonement,** as no atonement is granted to the dead through offerings. With regard to a ram **that is** sacrificed **after atonement too, it is no** longer **fit for atonement,** as the owner has already gained atonement by means of a different animal.

וְתוּ לֵיכָא? וְהָאֵיכָא: וּשְׁאָר כָּל שַׁלְמֵי נָזִיר שֶׁשְּׁחָטָן שֶׁלֹּא כְּמִצְוָתָן – כְּשֵׁרִים, וְלֹא עוֹלִין לַבְּעָלִים לְשׁוּם חוֹבָה, וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֹא לֶחֶם וְלֹא זְרוֹעַ.

The Gemara asks: **And is there nothing else?** Are there no other instances of a peace-offering of a nazirite that does not require bread, apart from the aforementioned cases? **But isn't there** the following *halakha*: **And** with regard to **all the other peace-offerings of a nazirite**[H] **that were slaughtered not in accordance with their mitzva,**[N] e.g., if the ram was not of the proper age, they are **fit** offerings and may be eaten, **but they do not count toward the owner's obligation,** i.e., he must bring another offering. The *baraita* continues: **And** these offerings **are eaten for one day,** like regular peace-offerings of a nazirite, **and they require neither bread nor** the **foreleg,** unlike the peace-offering of a nazirite. This is another example of a nazirite's peace-offering that does not require bread.

כְּמִצְוָתָן קָא חָשֵׁיב, שֶׁלֹּא כְּמִצְוָתָן לָא קָא חָשֵׁיב.

The Gemara answers: In the above list the *tanna* **includes** only offerings that were sacrificed **in accordance with their mitzva; he does not include** animals that were sacrificed **not in accordance with their mitzva.**

״הָיוּ לוֹ מָעוֹת סְתוּמִים יִפְּלוּ לִנְדָבָה״.

§ It was stated above, with regard to one who separated money for his naziriteship and then died, that if **he had unallocated funds, they are** all **allocated for** communal **gift** offerings.

Perek **IV**
Daf **25** Amud **a**

וַהֲלֹא דְּמֵי חַטָּאת מְעוֹרָבִין בָּהֶן! אָמַר רַבִּי יוֹחָנָן: הֲלָכָה הִיא בְּנָזִיר. רֵישׁ לָקִישׁ אָמַר: ״לְכָל נִדְרֵיהֶם וּלְכָל נִדְבוֹתָם״. הַתּוֹרָה אָמְרָה: מוֹתַר נֶדֶר יְהֵא לִנְדָבָה.

The Gemara asks: **But the money for the sin-offering is mingled with these** unallocated funds. How can it all be used for gift burnt-offerings? **Rabbi Yoḥanan said: It is** an accepted ***halakha* with regard to a nazirite** that his unallocated funds are used for gift offerings, despite the fact that they include the value of a sin-offering. **Reish Lakish said:** The verse states: "Whether **for any of their vows or for any of their gift offerings,** which are brought to the Lord as a burnt-offering" (Leviticus 22:18). In this verse, **the Torah states** that **the surplus of a vow shall be for a gift offering.** Here too, if the vow of naziriteship cannot be fulfilled, due to the death of the one who took the vow, the money is for a gift offering.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דְּאָמַר: הֲלָכָה הִיא בְּנָזִיר – אַמְּטוּ לְהָכִי, סְתוּמִין – אִין, מְפוֹרָשִׁין – לָא. אֶלָּא לְרֵישׁ לָקִישׁ: ״לְכָל נִדְרֵיהֶם וּלְכָל נִדְבוֹתָם״ – מַאי אִירְיָא סְתוּמִין? אֲפִילּוּ מְפוֹרָשִׁין!

The Gemara asks: **Granted, according to** the opinion of **Rabbi Yoḥanan, who said** that **it is a *halakha* with regard to a nazirite,** it is **for this reason** that if the funds **were unallocated, yes,** the money is used for gift offerings, but if they were **allocated, no,** they may not be used for this purpose, as this is the *halakha* passed down by tradition. **However, according to** the opinion of **Reish Lakish,** who derives the *halakha* from the verse: **"For any of their vows or for any of their gift offerings," why** state **specifically unallocated** funds; **even allocated** money should be used for gift offerings after the death of their owner.

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אֲמַר רָבָא: מְפוֹרָשִׁין לָא מָצֵית אָמְרַתְּ, כְּבָר פְּסַקָה תַּנָּא דְּבֵי רַבִּי יִשְׁמָעֵאל: ״רַק קָדָשֶׁיךָ אֲשֶׁר יִהְיוּ לְךָ וּנְדָרֶיךָ״ – בּוֹלְדֵי קָדָשִׁים וּבִתְמוּרָתָם הַכָּתוּב מְדַבֵּר;

Rava said: You cannot say that this *halakha* should apply to **allocated** funds, as **the *tanna* of the school of Rabbi Yishmael has already ruled** in **this** regard. The *tanna* explained the following verse that deals with the obligation to bring consecrated animals to the Temple: **"Only your sacred things that you have,**[N] **and your vows"** (Deuteronomy 12:26). **The verse is speaking of the offspring of consecrated** female peace-offerings **and their substitutes,**[B] i.e., when one says a non-sacred animal should substitute for a sacred animal.

מַה תַּקָּנָתָן – ״תֵּשֵׁב וּבָאתָ אֶל הַמָּקוֹם אֲשֶׁר יִבְחַר ה׳״. יָכוֹל יַעֲלֶה לְבֵית הַבְּחִירָה וְיִמְנַע מֵהֶם מַיִם וּמָזוֹן בִּשְׁבִיל שֶׁיָּמוּתוּ – תַּלְמוּד לוֹמַר ״וְעָשִׂיתָ עֹלֹתֶיךָ הַבָּשָׂר וְהַדָּם״.

With regard to these animals, **what is their** means of **remedy? "You shall take and go to the place that the Lord shall choose"** (Deuteronomy 12:26). One **might** have thought that this means that **he must bring them up to the Temple, and** yet he does not sacrifice them but **withholds water and food from them so that they should die.** Therefore, **the verse states: "And you shall sacrifice your burnt-offerings, the flesh and the blood,** upon the altar of the Lord your God; and the blood of your offerings shall be poured out against the altar of the Lord your God, and you shall eat the flesh" (Deuteronomy 12:27).

לוֹמַר לְךָ: כְּדֶרֶךְ שֶׁאַתָּה נוֹהֵג בְּעוֹלָה – נְהוֹג בִּתְמוּרָתָהּ, כְּדֶרֶךְ שֶׁאַתָּה נוֹהֵג בִּשְׁלָמִים – נְהוֹג בִּוְלָדֵיהֶם. יָכוֹל אַף וְלַד חַטָּאת וּתְמוּרַת אָשָׁם כֵּן – תַּלְמוּד לוֹמַר ״רַק״. דִּבְרֵי רַבִּי יִשְׁמָעֵאל.

The *tanna* explains that this verse comes **to say to you: In the manner that you treat a burnt-offering**[H] **you must treat its substitute,** i.e., it should be sacrificed in its entirety; **in the manner that you treat a peace-offering**[H] **you must treat their offspring,** as its inner parts must be sacrificed on the altar, with the rest eaten by the owners. One **might** have thought that **the offspring of a sin-offering and the substitute of a guilt-offering**[H] should **also** be treated **so,** i.e., they too should be sacrificed on the altar like sin-offerings and guilt-offerings. Therefore **the verse states: "Only"** (Deuteronomy 12:26), which excludes these cases. This is **the statement of Rabbi Yishmael.**

רַבִּי עֲקִיבָא אוֹמֵר: אֵינוֹ צָרִיךְ: הֲרֵי הוּא אוֹמֵר ״אָשָׁם הוּא״ – בַּהֲוָיָתוֹ יְהֵא.

Rabbi Akiva says: In the case of a guilt-offering this exposition is **not necessary, as it says: "It is a guilt-offering"** (Leviticus 5:19), from which it may be inferred: **It** alone **shall be** sacrificed **in its** current **state,** but not its substitute. This *baraita* explicitly teaches that the surplus money of a sin-offering cannot be used for another offering. Consequently, the money set aside for a nazirite's sin-offering must be cast into the Dead Sea upon the death of its owner rather than used for a gift offering, even according to the opinion of Reish Lakish.

קָתָנֵי: יָכוֹל יַעֲלֶה לְבֵית הַבְּחִירָה וְיִמְנַע מֵהֶם מַיִם וּמָזוֹן בִּשְׁבִיל שֶׁיָּמוּתוּ – תַּלְמוּד לוֹמַר ״וְעָשִׂיתָ עֹלֹתֶיךָ״. אַמַּאי? הָא וְלַד חַטָּאת הוּא דִּגְמִירִין בָּהּ מִיתָה! אִי לָאו קְרָא הֲוָה אָמִינָא: וְלַד חַטָּאת בְּכָל מָקוֹם,

§ Since the Gemara has cited the above *baraita*, it analyzes it in detail. The *baraita* **teaches:**[N] One **might** have thought that **one must bring them up to the Temple and withhold water and food from them so that they should die. The verse states: "And you shall sacrifice your burnt-offerings."** The Gemara asks: **Why** would one think he should act in this manner? After all, **it is** only with regard to **the offspring of a sin-offering**[N] **that we learned** that it must be left to **die,** but not other offerings. Why, then, is it necessary to derive the exclusion of the offspring of other offerings and the substitution of other offerings from a verse? The Gemara answers: **If** it were **not** for the **verse, I would say** that **the offspring of a sin-offering** may be killed **anywhere,** i.e., it need not be brought to the Temple and left to die there,

BACKGROUND

Substitution – תְּמוּרָה: The possibility of substitution is mentioned in the Torah (Leviticus 27:10), and tractate *Temura* focuses on the *halakhot* of substitution. The main features of the concept of substitution are as follows: The Torah prohibits the substitution of any offering, whether whole or blemished, for another animal. One who does so violates a prohibition and incurs lashes. Nevertheless, despite the fact that this exchange is prohibited, if an act of substitution is performed, the second animal does acquire a measure of sanctity, while the initial animal also remains sacred. All animals can be used as substitutes, whether they are whole or blemished, and the animal designated as a substitute can never be used for labor or redeemed. The fate of the substitute varies with the particular type of offering. In some instances, e.g., a substitute for a sin-offering, the animal is left to die. In other cases, such as a guilt-offering, the animal is put out to graze until it becomes blemished. Additionally, some substitutes, e.g., that of a peace-offering, are consecrated for the altar in addition to the original animal.

HALAKHA

In the manner that you treat a burnt-offering, etc. – כְּדֶרֶךְ שֶׁאַתָּה נוֹהֵג בְּעוֹלָה וכו׳: The substitute of a burnt-offering is also sacrificed as a burnt-offering. If the substitute is female it is left to graze until it develops a blemish, at which point, like a blemished male, it is sold and the money used for the purchase of a burnt-offering (Rambam *Sefer Korbanot*, *Hilkhot Temura* 3:1).

In the manner that you treat a peace-offering, etc. – כְּדֶרֶךְ שֶׁאַתָּה נוֹהֵג בִּשְׁלָמִים וכו׳: The substitute of a peace-offering, the offspring of a peace-offering, and likewise the offspring of the substitute of a peace-offering, are all sacrificed as peace-offerings (Rambam *Sefer Korbanot*, *Hilkhot Temura* 3:1, 4:1).

The offspring of a sin-offering and the substitute of a guilt-offering – וְלַד חַטָּאת וּתְמוּרַת אָשָׁם: The offspring of a sin-offering and the substitute of a sin-offering, and similarly the offspring of the substitute of a sin-offering, are all left to die. The substitute of a guilt-offering is left to graze until it develops a blemish, with its value going toward gift offerings (Rambam *Sefer Korbanot*, *Hilkhot Temura* 3:1 and *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:1).

NOTES

That you have – אֲשֶׁר יִהְיוּ לְךָ: The commentaries explain that the phrase "that you have" indicates that the verse is referring to consecrated animals that come from animals that are already sacred, either by means of substitution or through its offspring (Commentary on *Nazir*). Several early commentaries cite the version of this exposition that appears in tractate *Temura* (17b): "Only your sacred things" means substitutions, which are called "sacred" and "that you have" refers to the offspring. This is either because it can be read in the future tense as: That you will have, or because "have" alludes to birth (Rosh).

Teaches – קָתָנֵי: The commentaries note that in this context the term: Teaches, is equivalent to: It is stated above, or: The matter itself. All these expressions signify that the Gemara is no longer discussing the *baraita* in relation to the particular issue at hand, but on its own terms. As mentioned elsewhere, the language of tractate *Nazir* is unusual, and its phraseology is not always in line with that of other tractates.

The offspring of a sin-offering – הָא וְלַד חַטָּאת: This *halakha* transmitted to Moses from Sinai refers only to the offspring of a sin-offering, from which it may be inferred that the offspring of other offerings are not left to die (Commentary on *Nazir*).

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HALAKHA

The offspring of a sin-offering – וְלַד חַטָּאת: The offspring of a sin-offering, and certainly the offspring of its substitute, must be left to die (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:1 and *Sefer Korbanot*, *Hilkhot Temura* 4:2).

Any situation that if it were to occur with a sin-offering it would be left to die, etc. – כָּל שֶׁאִילּוּ בְּחַטָּאת מֵתָה וכו': If the owner of a guilt-offering died or gained atonement by another means, the animal designated as his guilt-offering must be left to graze until it develops a blemish, at which point it is sold and the proceeds are used for the purchase of gift burnt-offerings (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:14).

A guilt-offering that was consigned to grazing, etc. – אָשָׁם שֶׁנִּיתַּק לִרְעִיָּיה וכו': If a guilt-offering that was consigned to grazing was sacrificed as a burnt-offering, it is valid; however, one may not do so *ab initio*. This is a decree in case one confuses an animal in this situation with a guilt-offering before the owner's atonement, in accordance with the ruling of the Gemara in tractate *Pesaḥim* 73a (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 4:15).

NOTES

Transgresses a positive mitzva by it – קָאֵים עֲלֵיהּ בַּעֲשֵׂה: The same verse that states that the offspring of peace-offerings and the substitutes of burnt-offerings must be sacrificed adds: "Only your sacred things" (Deuteronomy 12:26), which excludes sin-offerings and guilt-offerings. Since this prohibited action is derived from the positive command of "You shall bring," it is classified as a prohibition that stems from a positive mitzva, which has the status of a positive mitzva. Consequently, one who sacrifices the offspring or substitute of a sin-offering violates a positive mitzva (Commentary on *Nazir*).

Why do I need a verse, etc. – לְמָה לִי קְרָא וכו': The early commentaries ask: Isn't the verse required to render one liable for transgressing a positive mitzva by sacrificing the substitute of a guilt-offering, as the Gemara explained earlier, according to the opinion of Rabbi Yishmael? They answer that unlike the term "only," the word "it" does not indicate that sacrificing another animal constitutes the violation of a positive command. However, this answer leads to a further problem: If Rabbi Akiva maintains that the term "it" does not signify a positive mitzva, he too requires the term "only" for that purpose; therefore, how can he say this derivation is not necessary? One explanation is that Rabbi Akiva erred in his understanding of Rabbi Yishmael's opinion. He thought that Rabbi Yishmael did not accept this *halakha* of the five sin-offerings left to die, and that he maintains that the *halakha* that the offspring of a sin-offering and the substitute of a guilt-offering may not be sacrificed is itself derived from this verse. It is concerning this derivation that Rabbi Akiva said that the *halakha* of a guilt-offering need not be learned from this verse (*Tosafot*; Rabbeinu Peretz).

Consigned to grazing – שֶׁנִּיתַּק לִרְעִיָּיה: This means that it is not fit to be sacrificed, either because its owner has gained atonement with another animal or has died, or because it is the substitute of a guilt-offering, which must be left to graze until it develops a blemish so that it may be sold, with the proceeds being used for gift offerings (Commentary on *Nazir*). The commentaries cite two opinions as to when an animal is considered consigned to grazing. Some maintain that this stage applies when the Sanctuary treasurer says the animal must be left to graze. Alternatively, it is defined as such only when it is actually handed over to a shepherd (Meiri; *Tosafot*).

וּוְלָדֵי קָדָשִׁים בְּבֵית הַבְּחִירָה, קָא מַשְׁמַע לָן דְּלָא.

but the offspring of other **sacred** animals, for peace-offerings, must be brought **to the Temple** and left to die there. The verse therefore **teaches us that** one does **not** leave the offspring of peace-offerings to die. Rather, they are sacrificed upon the altar.

קָתָנֵי: יָכוֹל אַף וְלַד חַטָּאת וּתְמוּרַת אָשָׁם כֵּן – תַּלְמוּד לוֹמַר ״רַק״. לָמָּה לִי קְרָא? הֵילְכְתָא גְּמִירִי לָהּ: וְלַד חַטָּאת לְמִיתָה אָזֵיל! הָכִי נַמִי, וּקְרָא לְאָשָׁם הוּא דְּאָתָא.

§ The Gemara continues to discuss the *baraita*. The *baraita* **teaches:** One **might** have thought that **the offspring of a sin-offering and the substitute of a guilt-offering** should **also** be treated **so,** i.e., they too should be sacrificed on the altar like sin-offerings and guilt-offerings. Therefore, **the verse states: "Only"** (Deuteronomy 12:26). The Gemara asks: **Why do I** need **a verse** for this *halakha*? After all, **this *halakha* is learned** as a tradition that **the offspring of a sin-offering**[H] **goes to** its **death.** The Gemara answers: **So too,** this is correct as far as the offspring of a sin-offering is concerned, **and the verse comes** to teach that this *halakha* applies **to a guilt-offering** as well.

אָשָׁם נַמִי הֵילְכְתָא גְּמִירִי לָהּ: כָּל שֶׁאִילּוּ בְּחַטָּאת מֵתָה – בְּאָשָׁם רוֹעֶה!

The Gemara asks: With regard to **a guilt-offering as well, this *halakha* is learned** as a tradition: **Any** situation **that if it were** to occur **with a sin-offering** it would be left to **die,**[H] i.e., any offering that is invalid in such a manner that it would have to be left to die if it were a sin-offering, which includes a substitute, if **it** occurs **with a guilt-offering it** is left to **graze** until it develops a blemish so that it is no longer fit for the altar. Why, then, is a verse required to teach this *halakha*?

אֶלָּא, אִי מֵהֵילְכְתָא – הֲוָה אָמִינָא: הֵילְכְתָא, וְאִי אַקְרִיבֵיהּ – לָא לִיחַיַּיב עֲלֵיהּ וְלָא כְּלוּם, קָא מַשְׁמַע לָן קְרָא דְּאִי מַקְרִיב לֵיהּ – קָאֵים עֲלֵיהּ בַּעֲשֵׂה.

Rather, the argument is as follows: **If** one would have learned this ruling only **from the** aforementioned ***halakha*** transmitted to Moses from Sinai, **I would say:** It is admittedly **the *halakha*** that the offspring of a sin-offering must die and the substitute of a guilt-offering is left to graze, **but if he sacrificed it** regardless, **he would not be liable to** receive **any** punishment **for it. The verse** therefore **teaches us that if he sacrifices** the offspring or substitute of a guilt-offering, **he transgresses a positive mitzva by it,**[N] as derived from the verse: "Only your sacred things which you have, and your vows, you shall take and go to the place which the Lord shall choose" (Deuteronomy 12:26).

״רַבִּי עֲקִיבָא אוֹמֵר אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר ״אָשָׁם הוּא״ – בַּהֲוָיָיתוֹ יְהֵא״. לָמָּה לִי קְרָא? גְּמָרָא גְּמִירִין לָהּ: כָּל שֶׁבְּחַטָּאת מֵתָה – בְּאָשָׁם רוֹעֶה!

§ The same *baraita* teaches that **Rabbi Akiva says:** In the case of a guilt-offering this exposition is **not necessary, as it says: "It is a guilt-offering"** (Leviticus 5:19), which indicates: **It** alone **shall be** sacrificed **in its** current **state,** but not its substitute. The Gemara asks: **Why do I** need **a verse**[N] for this *halakha*? **We learned it** as a ***halakha*: Any** situation **that if it were** to occur **with a sin-offering** it would be left to **die,** if **it** occurs **with a guilt-offering it** is left to **graze.** If so, it is clear that this guilt-offering cannot be sacrificed.

הָכִי נַמִי, וְכִי אַתָּא קְרָא – לְדָרַב. דְּאָמַר רַב הוּנָא אָמַר רַב: אָשָׁם שֶׁנִּיתַּק לִרְעִיָּיה, וּשְׁחָטוֹ לְשֵׁם עוֹלָה – כָּשֵׁר.

The Gemara answers: **So too,** this is correct, **and when the verse comes** to teach a *halakha*, it comes **for** that which was said **by Rav. As Rav Huna said** that **Rav said:** With regard to **a guilt-offering that was consigned to grazing,**[NH] i.e., it had been ruled that the animal must be left to graze until it develops a blemish as it could not be sacrificed as a guilt-offering, at which point it was sold so that the proceeds could be used for voluntary burnt-offerings, **and** one transgressed and **slaughtered** the guilt-offering itself **for the sake of a burnt-offering** rather than using an animal purchased with the money of its sale, **it is valid.**

טַעֲמָא – דְּנִיתַּק, הָא לָא נִיתַּק – לָא, דְּאָמַר קְרָא: ״הוּא״ – בַּהֲוָיָיתוֹ יְהֵא.

The Gemara infers from Rav's statement: **The reason** for this ruling is **that** it is a guilt-offering that was **consigned** to grazing, from which it may be inferred that **if** it were **not consigned** in this manner it is **not** valid as a burnt-offering. This is because **the verse states: "It** is a guilt-offering," which indicates that **it shall be in its** current **state,** and if it were sacrificed as a different offering it is invalid.

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אָמַר מָר: הֲלָכָה הִיא בְּנָזִיר. וְתוּ לֵיכָּא? וְהָתַנְיָא: וּשְׁאָר חַיָּבֵי קִינִּין שֶׁבַּתּוֹרָה

§ The Gemara returns to the issue of a nazirite's offerings: **The Master,** Rabbi Yoḥanan, **said** earlier: **It is a *halakha* with regard to a nazirite** that his unallocated funds, including the value of his sin-offering, are used for the purchase of gift offerings. The Gemara asks: This formulation indicates that this *halakha* pertains only to a nazirite, **but is there no other** case where the surplus goes toward the purchase of gift offerings? **But isn't it taught** in a *baraita*: **And the rest of those liable to** bring **nests**[B] **by Torah law,**[H] i.e., those paupers who are obligated to bring only a bird-offering, e.g., a poor leper, who must bring two turtledoves, one for a burnt-offering and one for a sin-offering, instead of a sheep or a ewe,

BACKGROUND

The rest of those liable to bring nests – וּשְׁאָר חַיָּבֵי קִינִּין: There are various circumstances in which an individual is required to sacrifice two birds, either turtledoves or pigeons. One bird is always sacrificed as a burnt-offering while the other is a sin-offering. For example, a poor person who is required to bring a sliding-scale offering brings a pair of birds (Leviticus 5:7–10), as does a poor woman after giving birth (Leviticus 12:8), a poor leper (Leviticus 14:22), and a *zav* or *zava* following their ritual purification (Leviticus 15:29–30).

HALAKHA

Those liable to bring nests by Torah law – חַיָּבֵי קִינִּין שֶׁבַּתּוֹרָה: All individuals obligated to bring bird-offerings by Torah law who have separated money for their nests may purchase either a bird sin-offering or a bird burnt-offering with all the money, if they so choose. The *halakha* is in accordance with the text of the *Tosefta*. *Likkutei Halakhot* teaches that according to the opinion of the Rambam one may use the money even for the purchase of animal sin-offerings or burnt-offerings if he becomes wealthy (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 5:11).

Perek **IV**
Daf **26** Amud **a**

שֶׁהִפְרִישׁוּ מָעוֹת לְקִינֵּיהֶם, רָצָה לְהָבִיא בָּהֶן חַטַּאת בְּהֵמָה – יָבִיא, עוֹלַת בְּהֵמָה – יָבִיא. מֵת וְהָיוּ לוֹ מָעוֹת סְתוּמִין – יִפְּלוּ לִנְדָבָה!

who separated money for their nests and then became wealthy, if the owner **wishes** to change their designation and **to bring an animal sin-offering with them, he may bring** a sin-offering with them. If he wishes to use them to buy **an animal burnt-offering he may bring** it, supplementing the required amount with other money. If the owner **died and he had unallocated funds,**[H] they all **will be allocated for** communal **gift** offerings, including the value of the sin-offering. This shows that the *halakha* that unallocated funds are used for gift offerings applies in cases other than that of a nazirite.

תְּנָא נָזִיר וְחַיָּבֵי קִינִּין דְּדָמוּ לֵיהּ. וּלְאַפּוֹקֵי מַהָא דְּתַנְיָא: מִי שֶׁהָיָה מְחוּיָיב חַטָּאת, וְאָמַר ״הֲרֵי עָלַי עוֹלָה״ וְהִפְרִישׁ מָעוֹת, וְאָמַר ״הֲרֵי אֵלּוּ לְחוֹבָתִי״.

The Gemara answers: **He taught** the case of **a nazirite and** also the case of **those obligated to** bring **nests, which is similar to** that of a nazirite and is therefore treated identically with regard to its *halakha*. This serves **to exclude that** case **which is taught** in a *baraita*. The situation discussed in the *baraita* involves **one who was obligated to** bring **a sin-offering**[H] for a transgression he committed, **and he** also **said: It is** incumbent **upon me** to bring a gift **burnt-offering, and he separated money and said: These are hereby for my obligatory** offering. Since he might have meant either his obligation of the sin-offering or his burnt-offering for the new vow, the question arises as to what should be done with the money.

רָצָה לְהָבִיא בָּהֶן חַטַּאת בְּהֵמָה – לֹא יָבִיא, עוֹלַת בְּהֵמָה – לֹא יָבִיא. מֵת וְהָיוּ לוֹ מָעוֹת סְתוּמִים – יֵלְכוּ לְיַם הַמֶּלַח.

The *baraita* explains that if he **wishes to bring an animal sin-offering with it, he may not bring**[N] one; if he wishes to use it to purchase **an animal burnt-offering, he may not bring** it either. If he **died and had unallocated funds,** one must **take** them and cast them into **the Dead Sea.** Since the two offerings are not part of the same obligation, the unallocated funds may not be used for gift offerings.

NOTES

May not bring – לֹא יָבִיא: Rather, all the money is cast into the Dead Sea (Commentary on *Nazir*). Other early commentaries maintain that he must bring two animals and state that the money consecrated for a sin-offering should be redeemed by means of one animal, while the money for a burnt-offering should be redeemed through the other animal. He proceeds to sacrifice both animals, one as a sin-offering and the other as a burnt-offering (*Tosafot*; see Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

HALAKHA

If he died and he had unallocated funds – מֵת וְהָיוּ לוֹ מָעוֹת סְתוּמִין: If one set aside money for his nest without specifying for which offering it would be used, upon his death all the money is used for gift burnt-offerings, as it is all fit for a burnt-offering (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 5:12).

One who was obligated to bring a sin-offering – מִי שֶׁהָיָה מְחוּיָיב חַטָּאת: If one who was obligated to bring a sin-offering declared: I am hereby obligated to bring a burnt-offering, and he proceeded to separate money, saying: This is for my obligation, if he wishes to use it for a sin-offering he may do so, and if he prefers to purchase a burnt-offering with it he may likewise act accordingly. If he dies, the money is cast into the Dead Sea. Some commentaries point out that the wording of the *Tosefta* contradicts the ruling of the Rambam, as does the Gemara (Ra'avad). Others explain that Rambam may have had a variant reading of the text (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 5:13 and *Leḥem Mishne* there).

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HALAKHA

Even if he said, these are for my obligation – אֲפִילּוּ אָמַר אֵלּוּ לְחוֹבָתִי: Funds are considered unallocated in a case where, for example, one separated money for the purchase of offerings without saying anything. If he said: This is for my obligation, the money is considered allocated, and this is certainly the case if he said: This is for my burnt-offering, my sin-offering, and my peace-offering. This is in accordance with the principle of the Rambam that the *halakha* is in accordance with the last version of a statement, which in this case is that of Rav Ashi (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:4).

אֲמַר רַב אַשִׁי: הָא דְּאָמְרַתְּ מְפוֹרָשִׁין הֵן – לָא – לָא תֵּימָא דְּאָמַר ״אֵלּוּ לְחַטָּאתִי וְאֵלּוּ לְעוֹלָתִי וְאֵלּוּ לִשְׁלָמַי״. אֶלָּא אֲפִילּוּ אָמַר ״אֵלּוּ לַחַטָּאתִי וּלְעוֹלָתִי וּלְשִׁלָּמַי״ – מְפוֹרָשִׁין הֵן.

§ **Rav Ashi said: That** which **you said** with regard to a nazirite who had **allocated** money, that he may **not** use it all for gift offerings because the value of the sin-offering must be taken and cast into the Dead Sea, **do not say that** this is referring only to a case where he explicitly **said: These are for my sin-offering, and these are for my burnt-offering, and these are for my peace-offering,** each one separately. **Rather, even** if **he said: These are for my sin-offering and for my burnt-offering and for my peace-offering, they are** considered **allocated**[N] for the purposes of this *halakha*, despite the fact that he did not designate the money for particular offerings.

וְאִיכָּא דְּאָמְרִי, אֲמַר רַב אַשִׁי: לָא תֵּימָא עַד דְּאָמַר ״אֵלּוּ לְחַטָּאתִי וּלְעוֹלָתִי וּלְשִׁלָּמַי״. אֶלָּא אֲפִילּוּ אָמַר ״אֵלּוּ לְחוֹבָתִי״ – הֲרֵי הֵן כִּמְפוֹרָשִׁין.

And some say a different version of this statement. **Rav Ashi said: Do not say** they are deemed allocated **only if he says: These are for my sin-offering and for my burnt-offering and for my peace-offering; rather, even if he said** it in broader terms: **These are for my obligation,**[NH] **they are** considered **as allocated.**

אֲמַר רָבָא: הָא דַּאֲמָרַן: מָעוֹת סְתוּמִין יִפְּלוּ לִנְדָבָה, אִם נָפְלָה דְּמֵי חַטָּאת מִבֵּינֵיהֶן – הֲרֵי הֵן כִּמְפוֹרָשִׁין.

§ **Rava said: That** which **we said,** that if one had **unallocated funds** they **will be allocated for** communal **gift** offerings, applies only if the money for all of the offerings was mixed together. However, **if the money for the sin-offering fell**[N] and was separated **from** the others, all the remaining money **is** now considered **as allocated.** This means that instead of the entire sum being used for a gift burnt-offering, part of it is used for a peace-offering, which is eaten for one day and does not require bread.

NOTES

They are allocated – מְפוֹרָשִׁין הֵן: In other words, they are treated as allocated money that became mingled together (*Tosafot*), as the *halakha* that the money of a nazirite is used for gift offerings applies only to money that was entirely unallocated. As for the issue of what is done with this money, some commentaries maintain that he separates one third of the money and casts it into the Dead Sea, while half of the rest is used for a burnt-offering and half for a peace-offering (Commentary on *Nazir*; Rid). Conversely, most early commentaries rule that it all goes to the Dead Sea.

These are for my obligation – אֵלּוּ לְחוֹבָתִי: The reason that the funds are considered allocated is because he meant: These are for my entire obligation, which includes the value of the sin-offering (*Tosafot*). Some commentaries claim that the phrase: My obligation, refers mainly to the sin-offering, which is fully obligatory, and therefore it is as though he specified a sin-offering (Rosh). Others note that according to this opinion the money is considered unallocated only if he set them aside without saying anything (Commentary on *Nazir*). Yet others contend that they are unallocated if he said: These are for my offerings (Rosh; *Tosafot*) or: These are for my naziriteship (Rid; Meiri).

If the money for the sin-offering fell, etc. – אִם נָפְלָה דְּמֵי חַטָּאת וכו׳: The commentaries explain: If money worth the amount of a sin-offering was lost or otherwise separated from the rest, that money is treated as the money of the sin-offering (Commentary on *Nazir*). Some say it is considered as though he had separated the money himself and designated it for the sin-offering (*Tosafot*). An alternative version of the text reads: Money for the sin-offering was separated, i.e., the owner set aside money for the sin-offering in a special place but did not state anything specific with regard to the rest (Rid). Some explain the Gemara in this manner without emending the text (Rabbeinu Peretz; Meiri; *Sefat Emet*). The continuation of the discussion is easy to follow according to this interpretation.

Perek **IV**
Daf **26** Amud **b**

HALAKHA

This is for my sin-offering and the rest, etc. – אֵלּוּ לְחַטָּאתִי וְהַשְּׁאָר וכו׳: If a nazirite separated money and said: This is for my sin-offering and the rest is for my naziriteship, and subsequently he died, or if a woman's husband nullified her vow after she made a declaration to this effect, the money for the sin-offering is taken and cast into the Dead Sea. Half of the remainder is used for a burnt-offering and half for a peace-offering. With regard to the prohibition against misuse, if one derives benefit from the entire remainder of the money he has misused consecrated property, but not if he derives benefit from only part of it (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:6 and *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

תַּנְיָא כְּוָותֵיהּ דְּרָבָא: ״אֵלּוּ לְחַטָּאתִי וְהַשְּׁאָר לִשְׁאָר נְזִירוּתִי״. דְּמֵי חַטָּאת – יֵלְכוּ לְיַם הַמֶּלַח, וְהַשְּׁאָר – יָבִיא חֻצְיוֹ לְעוֹלָה וְחֻצְיוֹ לִשְׁלָמִים, וּמוֹעֲלִין בִּכְוּלָּן וְאֵין מוֹעֲלִין בְּמִקְצָתָן.

The Gemara notes that it **is taught** in a *baraita* **in accordance with** the opinion of **Rava:** If one said: **This** money **is for my sin-offering and the rest**[H] **is for the rest of my** obligations of **naziriteship,** and he died, **the money for the sin-offering** is **taken** and cast into the **Dead Sea, and** as for **the rest, he brings a burnt-offering with half of it, and half of it** goes **for a peace-offering. And** one who benefits **from all of it** is liable for **misuse** of consecrated property, due to the value of a burnt-offering that is included in the money. **But one is not** liable for **misuse of** consecrated property if he benefits from **some** of the money, as the money he took is possibly that of the peace-offering, to which the prohibition against misuse does not apply.

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"אֵלּוּ לְעוֹלָתִי וְהַשְּׁאָר לִשְׁאָר נְזִירוּתִי". דְּמֵי עוֹלָה – יָבִיאוּ עוֹלָה וּמוֹעֲלִין בָּהֶן, וְהַשְּׁאָר יִפְּלוּ לִנְדָבָה, וּמוֹעֲלִין בְּכוּלָּן וְאֵין מוֹעֲלִין בְּמִקְצָתָן.

If one said: **This** money **is for my burnt-offering**[H] **and the rest is for the rest of my** obligations of **naziriteship, the money for the burnt-offering goes for a burnt-offering, and** one who benefits **from it** is liable for **misuse** of consecrated property. **And the rest is allocated for** communal **gift** offerings, as the sum includes the value of a sin-offering. **And** one who benefits **from all of it** is liable for **misuse** of consecrated property, due to the value of a sin-offering included in it, **but one is not** liable for **misuse of** consecrated property if he benefits from **some** of the money, as he might have taken the money for a peace-offering, as stated above.

אָמַר רַב הוּנָא אָמַר רַב: לֹא שָׁנוּ אֶלָּא מָעוֹת, אֲבָל בְּהֵמָה חֲרֵי הִיא כִּמְפוֹרֶשֶׁת.

§ **Rav Huna said** that **Rav said: They taught only** that there is a difference between unallocated and allocated money of a nazirite with regard to **money** designated for the purchase of offerings. **However,** if one designated **an animal it is** treated **as allocated.** A nazirite is obligated to bring three types of animals, a female sheep for a sin-offering, a male sheep for a burnt-offering, and a ram in its second year for a peace-offering. It is therefore evident which offering he had in mind when designating a particular animal. Consequently, if the owner died each offering is treated in the appropriate manner: The sin-offering must be left to die, like all sin-offerings whose owners have died; the burnt-offering is sacrificed as a burnt-offering; and the peace-offering is brought as a peace-offering, although it must be eaten in one day and does not require bread.

אָמַר רַב נַחְמָן: הָא דְּאָמְרִי בְּהֵמָה חֲרֵי הִיא כִּמְפוֹרֶשֶׁת – לֹא שָׁנוּ אֶלָּא תְּמִימָה, אֲבָל בַּעֲלַת מוּם – חֲרֵי הִיא כִּסְתוּמָה, אֲבָל נִסְכָּא – לָא.

Rav Naḥman said: When they say that if one designates **an animal it is** considered **as allocated, they taught** this **only** if it is **unblemished**[H] and is fit to be sacrificed itself. **However,** if one separated **a blemished** animal, even if he set aside the three required types, a female sheep, a male sheep, and a ram in its second year, each one **is** considered **as unallocated.**[N] This is because one will not sacrifice the animals themselves but will sell them and use the money. **However,** this is **not** the case with regard to **a bar of silver** [***naskha***].[L] If one separated three silver bars they are considered allocated, as each is a distinct item, designated for a particular offering.

וְרַב נַחְמָן בַּר יִצְחָק אָמַר: אֲפִילּוּ נִסְכָּא, אֲבָל סָוָאר שֶׁל קוֹרוֹת – לָא. אֲמַר לֵיהּ רַב שִׁימִי בַּר אַשִׁי לְרַב פַּפָּא: מַאי טַעְמַיְיהוּ דְּרַבָּנַן – דְּאָמְרִי: מָעוֹת וְלֹא בְּהֵמָה, וְלֹא נִסְכָּא, מָעוֹת וְלֹא סָוָוֵרָא? אֶלָּא מֵעַתָּה מָעוֹת וְלֹא עוֹפוֹת!

And Rav Naḥman bar Yitzḥak said: Even a silver bar is considered unallocated; **however, a pile** [***sevar***][L] **of beams** is **not.** If he set aside three piles of construction beams for his offerings, they are treated as allocated money. **Rav Shimi bar Ashi said to Rav Pappa: What is the reasoning of the Rabbis,** i.e., Rav, Rav Naḥman, and Rav Naḥman bar Yitzḥak, **who say: Money and not an animal, and not a silver bar;** and similarly, **money and not a pile?** Do they maintain that the *halakha* of unallocated funds applies only to money and not to other items? **However, if that is so,** one should likewise say that it applies to **money and not birds.**

וְכִי תֵּימָא הָכִי נָמֵי, אֶלָּא הָא דְּאָמַר רַב חִסְדָּא: אֵין הַקִּינִּין מִתְפָּרְשׁוֹת אֶלָּא אִי בְּלִקְיחַת בְּעָלִים אִי בַּעֲשַׂיַּית כֹּהֵן,

And if you would say: So too, this is in fact the case, and birds cannot be considered allocated, **but** what about **this** statement **that Rav Ḥisda said: Nests,** i.e., a pair of turtle doves or pigeons, one for a burnt-offering and the other for a sin-offering, **are** considered **allocated only**[H] **by either the acquisition of the owner,** if the owner designates each bird for a particular offering upon their purchase, **or by the actions of the priest** who decides which bird is for which offering when he sacrifices them. This clearly indicates that the birds are considered unallocated beforehand.

אַמַּאי? הָא מָעוֹת גְּמִירִין לָהּ!

Therefore, the question arises: **Why** is this so? Didn't **we learn this** *halakha* only with regard to **money,** whereas Rav Ḥisda's statement indicates that birds are also considered unallocated? If Rav Ḥisda's opinion is accepted, the same *halakhot* should also apply to animals, bars, and piles of beams.

HALAKHA

This is for my burnt-offering, etc. – אֵלּוּ לְעוֹלָתִי וכו': If a nazirite separated money and said: This is for my burnt-offering and the rest is for my naziriteship, and then died, the money allocated for a burnt-offering is used for a burnt-offering, while the rest is used for gift offerings. As for misuse of Temple property, one is liable only if he derived benefit from the entire sum (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:7 and *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

They taught only if it is unblemished – לֹא שָׁנוּ אֶלָּא תְּמִימָה: A blemished animal separated for naziriteship is considered like unallocated funds. Likewise, if one set aside a lump of silver or gold or any other vessel, even if he said: This is for my sin-offering, my burnt-offering, and my peace-offering, it has the status of unallocated funds. The *halakha* is in accordance with the ruling of Rav Naḥman bar Yitzḥak, as he was later authority. Some commentaries (*Likkutei Halakhot*; Meiri) maintain that the same *halakha* applies to piles of beams, as the *halakha* is in accordance with the opinion of Rav Shimi bar Ashi (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:5).

NOTES

It is as unallocated, etc. – חֲרֵי הִיא כִּסְתוּמָה וכו': The difference between an item consecrated in an unallocated manner, to which the *halakha* of unallocated funds applies, and other sacred items has been explained in two basic ways. According to the opinion of most commentaries, the case of unallocated funds is a *halakha* transmitted to Moses from Sinai that refers to money alone. Nevertheless, a blemished animal is included in this category, either because it is not set aside for its own sake but for its value (Commentary on *Nazir*), or because it is assigned for sale immediately after its consecration (*Tosafot*; Rabbeinu Peretz), and therefore it has the availability of money. Alternatively, with regard to any item that is not ready for immediate sale, it is likely that the owner will designate part of it, or one of its units, for a particular offering, and therefore it does not have the status of unallocated funds (Rabbeinu Tam, as explained in detail by Rosh). The choice of interpretation will have ramifications for the differences between blemished animals, silver bars, and piles of beams; the commentaries discuss the details of these *halakhot* at length.

LANGUAGE

Bar of silver [*naskha*] – נִסְכָּא: The root of this word, *nun, samekh, kaf*, is equivalent to the root *nun, tav, kaf*, from which the word for metal, *matekhet*, is derived. It refers to lumps of silver with no particular shape. The Sages use this term specifically in reference to pieces of precious metals such as gold and silver.

Pile [*sevar*] – סָוָאר: Similar to the Arabic سور, *sūr*, this term is apparently from the root *tzadi, vav, reish*. It means objects gathered together and piled on top of each other.

HALAKHA

Nests are allocated only – אֵין הַקִּינִּין מִתְפָּרְשׁוֹת: With regard to all those obligated to bring nests by Torah law who separated money for their nests, they may mix the money to purchase the sin-offering and burnt-offering. They may do so even if they declared: This is for my sin-offering and this is for my burnt-offering. They may even buy one of the offerings with all the money, as nests are designated only either at the hour of purchase or when the priest performs the sacrifice (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 5:11; 8:8).

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אֲמַר לֵיהּ: וְלִיטַעֲמִיךְ, הָא דִּתְנַן, רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: הֵבִיא שָׁלֹשׁ בְּהֵמוֹת וְלֹא פֵּירֵשׁ, הָרִאוּיָה לְחַטָּאת – תִּקְרַב חַטָּאת, לְעוֹלָה – תִּקְרַב עוֹלָה, לִשְׁלָמִים – תִּקְרַב שְׁלָמִים. אַמַּאי? הָא אָמְרַתְּ בְּהֵמָה לָאו כִּמְפוֹרֶשֶׁת דָּמְיָא!

Rav Pappa **said to him: And according to your reasoning,** which leads to the conclusion that all items can have the status of unallocated funds, consider **that which we learned** in a mishna (45a): **Rabban Shimon ben Gamliel says:** If one **brought three** different **animals** for his naziriteship **and did not specify** which was for which offering, **that which is fit for a sin-offering,** a ewe, **is sacrificed as a sin-offering;** the animal suitable **for a burnt-offering,** a male sheep or bull, **is sacrificed as a burnt-offering;** and the animal fit **for a peace-offering,** any other male or female, **is sacrificed as a peace-offering.** But according to your opinion, **why** is this so? **Didn't you say** that **an animal is not considered as allocated,** but is instead like unallocated funds; how can one decide which animal to use for each offering?

אֲמַר לֵיהּ: הָתָם – ״וְלָקַח״ ״וְעָשָׂה״

Rav Shimi bar Ashi **said to him:** As for the case of birds, this is an exception, as there is an explicit verse to this effect **there:** It states with regard to the owner of a bird offering: "**And he shall take** one he-lamb for a guilt-offering to be waved, to make atonement for him, and one tenth part of an ephah of fine flour mingled with oil for a meal-offering, and a *log* of oil; and two turtledoves or two young pigeons, such as his means suffice for, and the one shall be a sin-offering and the other a burnt-offering" (Leviticus 14:21–22), and it later states with regard to the priest: "**And he shall sacrifice** one of the turtledoves, or of the young pigeons, such as his means suffice for; even such as his means suffice for, the one for a sin-offering, and the other for a burnt-offering" (Leviticus 14:30–31).

אָמַר רַחֲמָנָא, אִי בִּלְקִיחַת בְּעָלִים אִי בַּעֲשִׂיַּית כֹּהֵן. הָכָא נַמִּי

The Merciful One thereby **states** that the birds are allocated and designated for their offering **either by the acquisition of the owner,** by designating each bird for a particular offering upon their purchase, **or by the action of the priest.** With regard to the ruling of Rabban Shimon ben Gamliel, it presents no difficulty either, as it is a special case as well. **Here too,** when one separates these particular animals for his naziriteship offerings,

מִי מָצֵית אָמַרְתְּ הָדֵין דְּחַטָּאת תִּקְרַב עוֹלָה? הָכָא נְקֵבָה, הָכָא זָכָר.

how can you[N] **say** that **this** one **that** is **for the sin-offering shall be sacrificed** as **a burnt-offering? Here,** only **a female** may be sacrificed as a sin-offering, whereas **here,** in the case of a burnt-offering, it must be **male.** Therefore, it is as though he allocated each animal for a specific offering. Consequently, you cannot compare this case to that of items that are not inherently designated for a particular purpose, e.g., a blemished animal or a silver bar, as they have the status of unallocated funds.

NOTES

How can you, etc. – מִי מָצֵית וכו': The discussion indicates that Rav Shimi successfully dealt with Rav Pappa's attempt to refute this question, which means that the difficulty remains unresolved. Consequently, unblemished animals, bars, and piles of beams have the same status as unallocated funds, and some commentaries rule accordingly (Meiri). Others maintain that Rav Pappa himself is of the opinion that Rav Ḥisda's *halakha* is a special decree of the Torah with regard to that issue alone, and one cannot derive from it that birds, blemished animals, and silver bars are also considered like unallocated funds (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

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מִתִּיב רַב הַמְנוּנָא: וּמִי אָמְרִינַן בְּהֶמָּה בַּעֲלַת מוּם כִּסְתוּמָה דְּמֵיָא? תָּא שְׁמַע: כֵּיצַד אָמְרוּ הָאִישׁ מְגַלֵּחַ עַל נְזִירוּת אָבִיו? בְּזְמַן שֶׁהָיָה הוּא וְאָבִיו נְזִירִים, וְהִפְרִישׁ אָבִיו מָעוֹת לִנְזִירוּתוֹ וּמֵת, וְאָמַר "הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֲגַלַּח עַל מְעוֹת אַבָּא";

§ Rav Hamnuna raised an objection against Rav Naḥman's statement: **And do we say** that **a blemished animal is considered like unallocated** funds? **Come** and **hear** a proof to the contrary from the following *baraita*, which begins: **How,** in what case, did the Sages **say** that **a man shaves,**[N] i.e., bring the offerings sacrificed at the end of a term of naziriteship, **for his father's naziriteship?** The Gemara cites a part of that *baraita* which records a case where the son does not bring the offerings for his father's naziriteship: **When he and his father were** both **nazirites, and his father separated money for** the offerings of **his naziriteship and died, and** the son **said: I am hereby a nazirite on the condition that I will shave,** i.e., bring my offerings, **through the money** my **father** set aside, in that case he cannot shave for his father's naziriteship.

הָיוּ לוֹ מָעוֹת סְתוּמוֹת – יִפְּלוּ לִנְדָבָה, הָיְתָה לוֹ בְּהֶמָּה מוּפְרֶשֶׁת; חַטָּאת – תָּמוּת, עוֹלָה – תִּקָּרֵב עוֹלָה, וּשְׁלָמִים יִקָּרְבוּ שְׁלָמִים. מַאי לָאו אֲפִילּוּ בַּעֲלַת מוּם?

Consequently, if the father **had unallocated funds, they are allocated for** communal **gift** offerings. If **he had allocated animals,** that which is for **a sin-offering must** be left to **die,** like any sin-offering whose owner has died; the animal for **a burnt-offering is sacrificed** as **a burnt-offering, and** the animal for **a peace-offering is sacrificed** as **a peace-offering. What, is it not** referring **even** to the case of **a blemished** animal, as the *baraita* differentiated only between money and animals? This indicates that a blemished animal is also considered allocated, which contradicts Rav Naḥman's ruling.

לָא, תְּמִימָה. אֲבָל בַּעֲלַת מוּם כִּסְתוּמָה דְּמֵיָא? מַאי אִירְיָא מָעוֹת? לֵימָא: הָיְתָה לוֹ בְּהֶמָּה בַּעֲלַת מוּם יִפְּלוּ לִנְדָבָה!

The Gemara rejects this suggestion: **No;** it is referring only to **an unblemished** animal, which is considered allocated because it is suitable for an offering itself. The Gemara asks: **However,** if that is so, is **a blemished** animal **considered like unallocated** funds? In that case, **why** does the *baraita* **specifically** distinguish between animals and unallocated **funds? Let** the *baraita* **say** as follows: If he **had a blemished animal** its money **is allocated for** communal **gift** offerings. The *baraita* would thereby distinguish between two similar cases that involve animals, from which one could infer the *halakha* of unallocated funds.

הָכִי נַמִּי, בַּעֲלַת מוּם לְמַאי קַדִּישָׁא – לִדְמֵי, דְּמֵי – הַיְינוּ מָעוֹת.

The Gemara answers: **So too,** this is the meaning of the *baraita*, and there is no difference between a blemished animal and money. The Gemara clarifies this claim: **For what** purpose is **a blemished** animal **consecrated?** It is **for the value** of its sale, and this **value is** provided in **money.**[N] Consequently, this *baraita* does not refute Rav Naḥman's opinion that the *halakha* of a blemished animal is like that of unallocated funds.

מִתִּיב רָבָא: "קָרְבָּנוֹ" – בְּקָרְבָּנוֹ הוּא יוֹצֵא, וְאֵינוֹ יוֹצֵא בְּקָרְבַּן אָבִיו. יָכוֹל לֹא יֵצֵא בְּקָרְבָּנוֹ שֶׁל אָבִיו שֶׁהִפְרִישׁ – מִן הַקַּלָּה עַל הַחֲמוּרָה אוֹ מִן הַחֲמוּרָה עַל הַקַּלָּה,

§ Rava also **raises an objection** against Rav Naḥman's opinion, from a *baraita* that deals with sin-offerings. The Torah states: "And he shall bring for **his offering**" (Leviticus 4:23), which indicates: **He fulfills** his obligation **with his** own **offering, but he does not fulfill** his obligation **with his father's offering,**[H] if his father was obligated to bring a sin-offering and died after separating an animal for this purpose. One **might** have thought that one **does not fulfill** his obligation **with an offering that his father separated** only in a case where the son's transgression is not equal in severity to that of his father's sin, e.g., sacrificing his offering **from** animals that his father designated to atone for **a minor** transgression to atone **for** his own **major** transgression, **or from** animals that his father designated to atone for **a major** transgression, to atone **for** his own **minor** transgression.

אֲבָל יוֹצֵא בְּקָרְבָּן שֶׁהִפְרִישׁ אָבִיו – מִן הַקַּלָּה עַל הַחֲמוּרָה אוֹ מִן הַחֲמוּרָה עַל הַקַּלָּה? תַּלְמוּד לוֹמַר "קָרְבָּנוֹ" "קָרְבָּנוֹ" – בְּקָרְבָּנוֹ הוּא יוֹצֵא, וְאֵינוֹ יוֹצֵא בְּקָרְבָּנוֹ שֶׁל אָבִיו.

However, one might have thought that **he does fulfill** his obligation **with an offering that his father separated** if it is **from** animals his father set aside to atone for **a minor** transgression and the son atones **for** his own **minor** one, **or from** animals the father set aside to atone for **a major** transgression and the son atones **for** his own **major** one. Therefore, **the verse states: "His offering"** (Leviticus 4:23), and it repeats: **"His offering"** (Leviticus 4:28), to emphasize that **he fulfills** his obligation **with his** own **offering, and he does not fulfill** his obligation **with his father's offering** even for similar transgressions.

NOTES

A man shaves, etc. – הָאִישׁ מְגַלֵּחַ וכו': There are two versions of this *halakha*, corresponding to the two versions of the mishna cited later (30a). According to one opinion, a son can purchase an offering with his father's money only if they were both nazirites, but he cannot do so if he became a nazirite after his father's death (Commentary on *Nazir*; Rabbeinu Azriel, cited in *Shita Mekubbetzet*). Rabbeinu Azriel explains that this is because the status of inheritance applies to money separated for the purpose of an offering only if the son had some connection to the money in his father's lifetime, i.e., if he too was a nazirite. However, many commentaries read the mishna in the opposite manner, i.e., that one may not use his father's money if he and his father were nazirites at the same time, whereas he may use the money if he became a nazirite after his father's passing. The commentaries explain that if the son took a vow of naziriteship during his father's lifetime he has already incurred his own monetary obligation, whereas he can purchase an offering with his father's money if he became a nazirite after the former's death, provided that he stipulated to do so (*Tosafot*; Rabbeinu Peretz; Rosh).

Value is money – דְּמֵי הַיְינוּ מָעוֹת: Some commentaries ask: If it is only the value of a blemished animal that is used for an offering, why did Rav Hamnuna seek to differentiate between blemished animals and money (Rabbeinu Peretz)? Rabbeinu Peretz answers that in the case of one who set aside three types of animals, it is reasonable to assume that each was separated for a different offering. No such claim applies in the case of money, however, and therefore it can be considered unallocated.

HALAKHA

But he does not fulfill his obligation with his father's offering – וְאֵינוֹ יוֹצֵא בְּקָרְבַּן אָבִיו: If one separated his sin-offering and subsequently died, his son may not use his offering even if he too was obligated to bring an offering for that same sin (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 3:3).

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יָכוֹל לֹא יֵצֵא בְּקָרְבַּן אָבִיו בְּבְהֵמָה שֶׁהִפְרִישׁ – אֲפִילּוּ מִן הַקַּלָּה עַל הַקַּלָּה, מִן הַחֲמוּרָה עַל הַחֲמוּרָה – שֶׁהֲרֵי אֵין אָדָם מְגַלֵּחַ עַל בֶּהֱמַת אָבִיו בִּנְזִירוּת, אֲבָל יוֹצֵא בְּמָעוֹת שֶׁהִפְרִישׁ אָבִיו אֲפִילּוּ מִן הַחֲמוּרָה עַל הַקַּלָּה אוֹ מִן הַקַּלָּה עַל הַחֲמוּרָה – שֶׁהֲרֵי אָדָם מְגַלֵּחַ עַל מְעוֹת אָבִיו בִּנְזִירוּת,

The *baraita* continues: One **might** have thought that a son **does not fulfill** his obligation **with his father's offering,** i.e., **with an animal that** his father **separated, even from** animals that his father designated to atone for **a minor** transgression, to atone **for** the son's **minor** one, **or from** animals the father set aside to atone for **a major** transgression, to atone **for** the son's **major** one, as stated above, **as a person cannot shave,** i.e., bring an offering, **for naziriteship with his father's animal.** Consequently, the *halakhot* of inheritance do not apply to this animal. **However,** it is nevertheless possible that a son can **fulfill** his obligation by purchasing a sin-offering **with money that his father separated** for his own sin-offering, **even from** money the father set aside to atone for **a major** transgression in a case where the son is atoning **for a minor** transgression, **or from** money the father set aside to atone for **a minor** transgression in a case where the son is atoning **for a major** one, **as a person can shave,** i.e., purchase an offering, **with the money his father** set aside **for naziriteship,**

Perek **IV**
Daf **28** Amud **a**

HALAKHA

He separated an animal for eating forbidden fat, etc. – הִפְרִישׁ בְּהֵמָה עַל הַחֵלֶב וכו': If one separated an animal to be brought as a sin-offering to atone for eating forbidden fat, and instead slaughtered it for the sin of consuming blood, the offering is invalid. Even if he went ahead and sacrificed it he has not gained atonement, and therefore he has not misused Temple property (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 15:6 and *Sefer Avoda*, *Hilkhot Me'ila* 4:5).

בִּזְמַן שֶׁהֵן סְתוּמִין, וְלֹא בִּזְמַן שֶׁהֵן מְפוֹרָשִׁין? תַּלְמוּד לוֹמַר "קָרְבָּנוֹ" – בְּקָרְבָּנוֹ הוּא יוֹצֵא, וְאֵינוֹ יוֹצֵא בְּקָרְבַּן אָבִיו.

when they are unallocated and not when they are allocated. Consequently, the same should apply to one whose father separated money for a regular sin-offering, i.e., he should be able to use them for his own sin-offering. Therefore, **the verse states: "His offering"** (Leviticus 4:32), which serves to emphasize: **He fulfills** his obligation **with his** own **offering, but he does not fulfill** his obligation **with** the money separated for **his father's offering.**

יָכוֹל לֹא יֵצֵא בְּמָעוֹת שֶׁהִפְרִישׁ, אֲפִילּוּ מִן הַקַּלָּה עַל הַקַּלָּה מִן הַחֲמוּרָה עַל הַחֲמוּרָה, אֲבָל יוֹצֵא בְּקָרְבָּן שֶׁהִפְרִישׁ לְעַצְמוֹ, מִן הַקַּלָּה עַל הַחֲמוּרָה מִן הַחֲמוּרָה עַל הַקַּלָּה? תַּלְמוּד לוֹמַר "קָרְבָּנוֹ... עַל חַטָּאתוֹ" – עַד שֶׁיְּהֵא קָרְבָּנוֹ לְשׁוּם חַטָּאוֹ.

The *baraita* continues this line of argument: One **might** have thought that **he does not fulfill** his obligation **with the money that** his father **separated** if it is **from** money the father set aside to atone for **a minor** transgression and the son atones **for a minor** one, **or from** money the father set aside to atone for **a major** transgression and the son atones **for a major** one. **However,** the son may **fulfill** his obligation **with the offering he separated for himself. From** animals he set aside to atone for **a minor** transgression, he many atone **for a major** one, **or from** animals he set aside to atone for **a major** transgression he may atone **for a minor** one. Therefore, **the verse states:** "Then he shall bring for **his offering** a goat, a female without blemish, **for his sin"** (Leviticus 4:28), which indicates that he does not fulfill his obligation **unless his offering is for the sake of his** particular **sin,** not for some other transgression.

יָכוֹל לֹא יֵצֵא בִּבְהֵמָה שֶׁהִפְרִישׁ לְעַצְמוֹ מִן הַקַּלָּה עַל הַקַּלָּה אוֹ מִן הַחֲמוּרָה עַל הַחֲמוּרָה, אֲפִילּוּ מִן הַקַּלָּה עַל הַחֲמוּרָה אוֹ מִן הַחֲמוּרָה עַל הַקַּלָּה,

One **might** have thought that he **does not fulfill** his obligation **with the animal he separated for himself, from** animals he set aside to atone for **a minor** transgression to atone **for a minor** one; **or from** animals he set aside to atone for **a major** transgression, to atone **for a major** one; or **even** when **from** animals he set aside to atone for **a minor** transgression to atone **for a major** one; **or from** animals he set aside to atone for **a major** transgression to atone **for a minor** one.

שֶׁכֵּן אִם הִפְרִישׁ בְּהֵמָה עַל הַחֵלֶב וְהֵבִיא עַל הַדָּם אוֹ עַל הַדָּם וְהֵבִיא עַל הַחֵלֶב – שֶׁהֲרֵי לֹא מָעַל וְלֹא כִּיפֵּר.

The reason is **that if he separated an animal** to bring as an offering **for** unintentionally eating forbidden **fat**[H] **and he** instead **brought** that sin-offering **for** unintentionally consuming **blood, or** if he separated an animal to bring as an offering to atone **for blood and** instead **brought** it **for** eating forbidden **fat,** in that case he **has not misused** consecrated property, as the animal cannot lose its consecrated status. **And** just as it cannot lose its consecrated status, so too it cannot be redesignated to atone for a different sin, and therefore this animal also **does not atone** for him.

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אֲבָל יוֹצֵא בְּמָעוֹת שֶׁהִפְרִישׁ לְעַצְמוֹ מִן הַקַּלָּה לְקַלָּה וּמִן הַחֲמוּרָה לַחֲמוּרָה, מִן הַחֲמוּרָה לְקַלָּה וּמִן הַקַּלָּה לַחֲמוּרָה,

However, one might think that he **fulfills** his obligation **with the money he separated for himself, from** money he set aside to atone for **a minor** transgression **to** atone for a different **minor** transgression; **or from** money he set aside to atone for **a major** transgression **to** atone for a different **major** transgression; or **from** money he set aside to atone for **a major** transgression **to** atone for **a minor one; or from** money he set aside to atone for **a minor** transgression **to** atone for **a major** one.

שֶׁכֵּן אִם הִפְרִישׁ לְעַצְמוֹ מָעוֹת מִן הַחֵלֶב וְהֵבִיא עַל הַדָּם עַל הַדָּם וְהֵבִיא עַל הַחֵלֶב, שֶׁהֲרֵי מָעַל וְכִיפֵּר.

The reason is **that if he separated money for himself** to purchase a sin-offering to atone **for** unintentionally eating forbidden **fat and he** instead **brought** a sin-offering with that money **for** unintentionally consuming **blood,**[H] **or** if he separated money to purchase a sin-offering to atone **for** consuming **blood and** with that money he instead **brought** a sin-offering **for** unintentionally eating forbidden **fat,** in that case he **has misused** consecrated property if he uses that money for a non-sacred purpose, as money can lose its sacred status when misappropriated. **And** just as it can lose its consecrated status, it can be redesignated to atone for a different sin; therefore this money **atones**[N] for him if it was used to purchase an offering for a different transgression.

תַּלְמוּד לוֹמַר ״עַל חַטָּאתוֹ״ – עַד שֶׁיְּהֵא קָרְבָּנוֹ לְשֵׁם חַטָּאתוֹ.

Therefore, **the verse states: "For his sin"** (Leviticus 4:35), which indicates that he does not fulfill his obligation **unless his offering is for the sake of his** particular **sin,** and he is not permitted to use money he consecrated for one type of sin to atone for a different sin. This concludes the *baraita*.

קָתָנֵי מִיהַת בְּהֵמָה, מַאי לָאו אֲפִילּוּ בַּעֲלַת מוּם? לָא, תְּמִימָה.

Rava now asks his question: **In any event,** the *baraita* **teaches** that a son may not use **an animal** separated by his father for his nazirite-ship offering. **What, is it not** referring **even** to **a blemished** animal? The fact that the *baraita* does not differentiate between types of animals indicates that a blemished animal has the status of allocated funds, as opposed to Rav Naḥman's ruling that this animal is like his father's unallocated funds, which the son himself may use. The Gemara rejects this: **No;** the *baraita* refers solely to **an unblemished** animal that is fit to be sacrificed; only an animal of this kind is considered allocated.

אֲבָל בַּעֲלַת מוּם מַאי, כִּסְתוּמָה דָּמְיָא? מַאי אִירְיָא דְּקָתָנֵי מָעוֹת שֶׁהִפְרִישׁ אָבִיו, לֵיתְנֵי בַּעֲלַת מוּם! הָכִי נַמִּי, דִּלְמַאי חַזְיָא – לִדְמֵי, דְּמֵי – הַיְינוּ מָעוֹת.

The Gemara asks: **However,** according to this explanation, **what** is the *halakha* of **a blemished** animal? Is it **considered like an unallocated** animal? If so, **why** does the *baraita* **specifically teach** that one may purchase an offering with the unallocated **funds that his father separated? Let** the *baraita* **teach** this *halakha* with regard to **a blemished** animal, and one would infer that the same applies to money. The Gemara answers as above: **So too,** this is the case; there is no difference between the two. The reason is **that what is** a blemished animal **fit for?** It is fit **for** its **value,** and this **value is** essentially **money.** Consequently, this *baraita* does not contradict Rav Naḥman's opinion that a blemished animal has the status of unallocated funds.

HALAKHA

If he separated…for blood, etc. – הִפְרִישׁ…עַל הַדָּם וכו׳: With regard to one who separated money to purchase a sin-offering to atone for eating forbidden fat and instead purchased a sin-offering to atone for the consumption of blood, if he acted unintentionally he gains atonement and has misused Temple property. If he did so intentionally, the offering does not atone for him and he has not misused Temple property, as stated in the *Tosefta* in tractate *Karetot* (Rambam *Sefer Avoda*, *Hilkhot Me'ila* 4:5).

NOTES

He has misused consecrated property and it atones – מָעַל וְכִיפֵּר: When he misuses the money for another purpose, even for an offering for a different sin, it reverts to a non-consecrated state. This is because the sanctity of an item consecrated for its value is less severe and more easily released than an item consecrated for its own use (*Tosafot*). Rabbeinu Azriel, cited in *Shita Mekubbetzet*, states that this is referring to a full-fledged misuse of consecrated property, as this individual thought the money was non-sacred and therefore used it for other purposes. As for the second part of this statement, that the money atones for him, this is because it is considered as though he took non-consecrated money and acquired an animal for the purpose of his atonement (Commentary on *Nazir*).

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HALAKHA

If the blood from one of her offerings was sprinkled on her behalf, etc. – נִזְרַק עָלֶיהָ אֶחָד מִן הַדָּמִים וכו׳: If a female nazirite brought her offerings upon the completion of her term, and after one of the animals was slaughtered but before its blood was sprinkled her husband heard of her vow and nullified it, it is nullified. Once the blood has been sprinkled, he can no longer nullify the vow. This *halakha* applies only to her offerings of purity, whereas if she is bringing her offerings of impurity he may nullify her vow even after all the offerings have been sacrificed (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 4:17).

Since she becomes downcast – כֵּיוָן דְּאִית לָהּ נִיוּוּל: If a woman made a vow that entails suffering, whether to a major or minor degree, for a lengthy or short period, her husband can nullify the vow (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:4).

LANGUAGE

Downcast [*menuvvelet*] – מְנוּוֶּלֶת: The root *nun*, *vav*, *lamed*, is close in meaning to *nun*, *vet*, *lamed*, *naval*, meaning ugly, dirty, or despised. Accordingly, the term *menuvval* is used to describe the physical appearance of a person or item that is blemished or marred. It can also refer to emotional or ethical qualities. In this context, a woman who is *menuvvelet* is one who sulks when she does not drink wine, to the extent that she repulses her husband.

מתני׳ נִזְרַק עָלֶיהָ אֶחָד מִן הַדָּמִים – אֵינוֹ יָכוֹל לְהָפֵר. רַבִּי עֲקִיבָא אוֹמֵר: אֲפִילּוּ נִשְׁחֲטָה עָלֶיהָ אַחַת מִכָּל הַבְּהֵמוֹת אֵינוֹ יָכוֹל לְהָפֵר.

MISHNA The previous mishna discussed the case of a husband who nullified his wife's vow after she separated her offerings of naziriteship. This mishna deals with a husband who nullified his wife's naziriteship after she had completed her term and brought her offerings to the Temple. If **the blood** from **one of** her naziriteship offerings **was sprinkled** on the altar **on her behalf,**[H] the husband **cannot nullify**[N] her vow at this point. **Rabbi Akiva says: Even** before the sprinkling of the blood, **he cannot nullify** the vow as soon as **any one of the animals** for her offerings **has been slaughtered on her behalf.**

בַּמֶּה דְּבָרִים אֲמוּרִים – בִּתְגַלַּחַת הַטָּהֳרָה, אֲבָל בִּתְגַלַּחַת הַטּוּמְאָה – יָפֵר, שֶׁהוּא יָכוֹל לוֹמַר: אִי אֶפְשִׁי בְּאִשָּׁה מְנוּוֶּלֶת. רַבִּי מֵאִיר אוֹמֵר: אַף בִּתְגַלַּחַת הַטָּהֳרָה יָפֵר, שֶׁהוּא יָכוֹל לוֹמַר: אִי אֶפְשִׁי בְּאִשָּׁה מְגֻלַּחַת.

The mishna continues: **In what** case **is this statement,** that he can no longer nullify the vow, **said?** It is when she is bringing the offerings **for** her **shaving of ritual purity,** when she has completed her term of naziriteship without becoming ritually impure (see Numbers 6:18). **However,** if she is sacrificing the offerings **for** her **shaving of impurity,** when she became ritually impure during her term of naziriteship, after which she restarts her naziriteship (see Numbers 6:9), her husband **can nullify** her vow. The reason is **that he can say: I do not want a downcast** [*menuvvelet*][NL] **wife,** who does not drink wine. She would have to refrain from wine for a lengthy period if she were to begin her naziriteship anew. **Rabbi Meir says: He can nullify** her vow **even** at the stage **of** her **shaving of purity,**[N] after she has begun sacrificing her offerings, **as he can say: I do not want a shaven wife,** and a nazirite is obligated to shave after bringing his or her offerings.

גמ׳ מַתְנִיתִין דְּלָא כְּרַבִּי אֱלִיעֶזֶר, דְּאִי רַבִּי אֱלִיעֶזֶר – הָאֲמַר תִּגְלַחַת מְעַכֶּבֶת, וְכֵיוָן דְּלָא גִּילְּחָה – אֲסִירָה בְּחַמְרָא, וְכֵיוָן דְּאִית לָהּ נִיוּוּל – מָצֵי מֵיפֵר. (וּבְהָא פְּלִיגִי;)

GEMARA The Gemara comments: **The mishna,** which rules that a husband cannot nullify his wife's naziriteship after the blood of her offering has been sprinkled at the end of the naziriteship term, **is not in accordance with** the opinion of **Rabbi Eliezer. As, if** it followed the ruling of **Rabbi Eliezer, didn't he say** that **shaving is indispensable** for the end of a nazirite's term, i.e., a nazirite at the end of his naziriteship is prohibited from drinking wine and becoming impure from the dead until he actually shaves? **And** in this case, **since she has not** yet **shaved, she** remains **prohibited from** drinking **wine. And since she becomes downcast**[H] through her abstinence from wine, evidently the husband **can nullify** her vow even after the sprinkling of the blood of her offerings of purity.

NOTES

He cannot nullify – אֵינוֹ יָכוֹל לְהָפֵר: The reason is that as soon as the blood has been sprinkled she is permitted to drink wine and shave, according to the unattributed opinion in the mishna. In the opinion of Rabbi Akiva, the short period of suffering she must endure until the offering is fully sacrificed is insufficient to allow the husband to nullify her vow, as that would invalidate the offerings that have already been slaughtered. With regard to the scope of his nullification, the first *tanna* of the mishna maintains that he is unable to nullify her vow at this stage, as it is not considered a vow of affliction, which a husband may nullify. However, according to the opinion of Rabbi Akiva, whose opinion is based on the loss of offerings that have already been slaughtered, the commentaries are unsure whether the phrase: Cannot nullify, means that he is enjoined from nullifying her naziriteship *ab initio*, or whether it means that he is unable to do so and that any attempt of this kind would be unsuccessful (*Tosafot*). It is possible that the nullification will not take effect despite the fact that it is only a decree of the Sages that he cannot do so, as they can establish their decrees in contradiction to a Torah command if the violation of the Torah command is passive.

Downcast [*menuvvelet*] – מְנוּוֶּלֶת: The commentaries explain that this refers to the distress that a woman suffers by having to refrain from wine, as wine gladdens the heart (Commentary on *Nazir*). In this context they cite a verse mentioned by the Gemara elsewhere (*Bava Batra* 12b): "New wine shall make the maids flourish" (Zechariah 9:17). Consequently, her abstinence from wine makes her anxious and uneasy (Meiri). There are differences of opinion with regard to the justification for this nullification. Many commentaries claim that the husband may nullify her vow due to the affliction involved; it has been pointed out that *menuvval* is sometimes used as an expression of pain and suffering (*Tosafot*). However, *Tosafot* themselves admit that the phrase: I do not want, does not suit this interpretation. Others indicate that the vow is considered to affect the intimate relations between the couple, as it will make her undesirable in his eyes (Commentary on *Nazir*; Rambam; Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

Rabbi Meir says…even at the stage of her shaving of purity – רַבִּי מֵאִיר אוֹמֵר אַף בִּתְגַלַּחַת הַטָּהֳרָה: Apparently, Rabbi Meir maintains that the husband can nullify her naziriteship even if the blood of all her offerings has been sprinkled, provided that she has yet to shave (Rosh).

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תַּנָּא דִּידָן סָבַר: כֵּיוָן דְּאִיזְדָּרִיק עֲלָהּ דָּם – לְאַלְתַּר שָׁרְיָא בְּחַמְרָא, וְהָא לֵית לָהּ נִיווּל. וְרַבִּי עֲקִיבָא סָבַר אֲפִילּוּ אִישְׁתְּחִיטַת בְּהֵמָה – אֵינוֹ יָכוֹל לְהָפֵר, מִשּׁוּם הֶפְסֵד קָדָשִׁים.

The *tanna* of our mishna **holds: Once** the **blood has been sprinkled on her behalf** she is **immediately permitted** to drink **wine, and** therefore **she is not downcast.** Consequently, the husband has no right to nullify her naziriteship vow at that point, as her vow does not affect him. **And Rabbi Akiva holds: Even** if the blood has yet to be sprinkled and wine remains forbidden to her, as soon as **an animal is slaughtered** for one of her offerings the husband **can no** longer **nullify** the vow, **due to the loss of consecrated** property. If he were to nullify her vow she would have no further need of the offerings, and it is prohibited to waste Sanctuary property.

מַתְקִיף לָהּ רַבִּי זֵירָא: וְאַמַּאי? לְזָרוֹק דָּמָן שֶׁלֹּא לִשְׁמָן, וַיְתִּיר בָּשָׂר בַּאֲכִילָה! מִי לָא תַּנְיָא: כִּבְשֵׁי עֲצֶרֶת שֶׁשְּׁחָטָן שֶׁלֹּא לִשְׁמָן, אוֹ שֶׁשְּׁחָטָן לִפְנֵי זְמַנָּן, אוֹ לְאַחַר זְמַנָּן – הַדָּם יִזָּרֵק, וְהַבָּשָׂר יֵאָכֵל.

Rabbi Zeira objects to this: And why should the result be a loss to the Sanctuary? He can avoid this by **sprinkling their blood not for the sake** of the offerings[N] of a nazirite, **and he will** thereby **permit the meat** of the offering to **be eaten,** and the consecrated animal will not go to waste. **Isn't it taught** in a *baraita*: With regard to the communal peace-offering of two **sheep** that accompanies the two loaves on ***Shavuot*, if one slaughtered them not for the sake** of that offering,[H] **or slaughtered them before their time,** on the eve of the Festival, **or after their time,** after the Festival, **the blood shall be sprinkled,** although not for the sake of that offering, as it is no longer fit for that purpose, **and the meat is eaten.**

וְאִם הָיְתָה שַׁבָּת – לֹא יִזָּרֵק, וְאִם זָרַק – הוּרְצָה לְהַקְטִיר אֵימוּרִין לָעֶרֶב!

And if it was a Shabbat, the blood **may not be sprinkled.** Since the meat cannot be eaten on that day, sprinkling the blood is considered a form of unnecessary labor on Shabbat. **And if he sprinkled** the blood on Shabbat anyway, the offering **is accepted,** and he must wait **to burn** its sacrificial **parts** on the altar **in the evening,** after the conclusion of Shabbat. In any case, this shows that it is permitted to sprinkle the blood of an offering not for its own sake *ab initio* so that its flesh can be eaten.

אָמְרִי: אִי דְּשָׁחַט עוֹלָה אוֹ שְׁלָמִים – הָכִי נַמִּי. אֶלָּא הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁשָּׁחַט חַטָּאת בְּרִישָׁא.

The Sages **say** in response: **If he had slaughtered** only the woman's naziriteship offerings of the **burnt-offering or** the **peace-offering, so too,** he may certainly proceed to sprinkle the blood not for the sake of that offering, to avoid the loss of a consecrated animal. In that case Rabbi Akiva would agree that the husband can still nullify her vow. **However, with what are we dealing here?** It is with a case **where he slaughtered the sin-offering first.** Since a sin-offering whose blood was sprinkled not for its sake is invalid, if the husband were to nullify her vow this would cause a loss of consecrated property.

כְּדִתְנַן: אִם גִּילַּח עַל אַחַת מִשְּׁלָשְׁתָּן יָצָא.

The Gemara cites the source that the order of a nazirite's offerings may be changed and the sin-offering may be sacrificed first. **As we learned** in a mishna (45a): **If he shaved** after the sacrifice **of one of the three** nazirite offerings, either the burnt-offering, the peace-offering, or the sin-offering, **he has fulfilled** his obligation.

"בַּמֶּה דְּבָרִים אֲמוּרִים – בְּתִגְלַחַת טָהֳרָה, אֲבָל בְּתִגְלַחַת טוּמְאָה יָפֵר (מִפְּנֵי שֶׁיָּכוֹל לוֹמַר: אִי אֶפְשִׁי בְּאִשָּׁה מְנוּוֶּלֶת), וְרַבִּי מֵאִיר אוֹמֵר: אֲפִילּוּ בְּתִגְלַחַת טָהֳרָה יָפֵר, מִפְּנֵי שֶׁיָּכוֹל לוֹמַר: אִי אֶפְשִׁי בְּאִשָּׁה מְגֻלַּחַת".

§ The mishna taught: **In what** case **is this statement,** that a husband cannot nullify his wife's vow, **said?** It is **with regard to a shaving of ritual purity; however, with regard to a shaving of impurity** the husband can **nullify** it if he wishes. **And Rabbi Meir says: He may even nullify** the vow **at** her **shaving of purity because he can say: I do not want a shaven wife.**

NOTES

Sprinkling their blood not for the sake of the offerings – לִזְרוֹק דָּמָן שֶׁלֹּא לִשְׁמָן: Offerings, with the exception of the Paschal offering and sin-offerings, are valid even if their blood was sprinkled not for their own sake, although their owners do not fulfill their obligation (Rosh). The *baraita* here adds that even if they were slaughtered for their own sake, and the owner cannot fulfill his obligation with them, it is permitted to sprinkle their blood for the sake of a different offering *ab initio*. Furthermore, even if the blood is sprinkled without any particular intention, since the nazirite does not gain atonement through the offering it is as though the blood was sprinkled not for its sake (*Tosafot*).

HALAKHA

The sheep on *Shavuot*, if one slaughtered them not for the sake of that offering – כִּבְשֵׁי עֲצֶרֶת שֶׁשְּׁחָטָן שֶׁלֹּא לִשְׁמָן: If the sheep of *Shavuot* were slaughtered not for the sake of their offering, or not in the appropriate time, the blood is sprinkled and the meat is eaten, but the community has not fulfilled its obligation. If this occurred on Shabbat, they may not sprinkle the blood. If they did so, the offering is accepted to the extent that its sacrificial parts may be burned and its flesh eaten in the evening (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 15:19).

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BACKGROUND

Wig – פֵּאָה: Wearing a wig, usually made from human hair but sometimes from animal hair, is a very old practice, dating as far back as ancient Egypt. Women, and sometimes men, would usually wear wigs for beauty when the natural hair was shaved or in cases of baldness. Based on the Hebrew name, *pe'a*, meaning portion, one can assume that it was common to add only a portion of foreign hair to compensate for what was missing in one's natural hair. As the craftsmanship of attaching hair to the wig was not very advanced, women would refrain from strenuously washing the wigs, and at times these wigs became foul. Due to this, many women would place a cone with perfumed ointment on top of the wig to improve its smell. Furthermore, some women and men felt that wearing wigs was uncomfortable and distasteful.



Egyptian statue of a man wearing a wig



Egyptian wall painting of a woman wearing a wig and ointment cone

וְתַנָּא קַמָּא אָמַר לָךְ: אֶפְשָׁר בְּפֵאָה נָכְרִית. וְרַבִּי מֵאִיר סָבַר: בְּפֵאָה נָכְרִית, אַיְידֵי דְּזוּהֲמָא – לָא נִיחָא לֵיהּ.

The Gemara analyzes these opinions: **And the first *tanna*** could have **said to you** in response to Rabbi Meir's argument: It is **possible** for her to compensate **by** wearing **a wig,**[B] and therefore she would not appear shaven, and her husband would have no cause for complaint. **And Rabbi Meir holds:** As for compensating **by** wearing **a wig, since** it is **dirty he is not amenable** to this solution, and he may therefore nullify her vow.

מתני׳ הָאִישׁ מַדִּיר אֶת בְּנוֹ בְּנָזִיר, וְאֵין הָאִשָּׁה מַדֶּרֶת אֶת בִּתָּהּ בְּנָזִיר. כֵּיצַד? גִּילַּח, אוֹ שֶׁגִּילְּחוּהוּ קְרוֹבָיו, מִיחָה אוֹ שֶׁמִּיחוּ קְרוֹבָיו;

MISHNA **A man can vow** that **his** minor **son should be a nazirite,**[H] i.e., a father can declare his son a nazirite, **but a woman cannot vow** that **her son should be a nazirite. How so;** what are the details of this naziriteship? If the son **shaved** his hair, thereby demonstrating his rejection of the vow imposed by his father; **or** if **his relatives shaved him;**[H] or if the son **objected** by saying that he has no desire for this naziriteship; **or if his relatives objected** on his behalf, the naziriteship is canceled.

הָיְתָה לוֹ בְּהֵמָה מוּפְרֶשֶׁת – הַחַטָּאת תָּמוּת, וְהָעוֹלָה תִּקָּרֵב עוֹלָה, וּשְׁלָמִים יִקָּרְבוּ שְׁלָמִים, וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֶחֶם.

If this son who canceled the naziriteship **had animals separated**[H] for his offerings, the one set aside for **the sin-offering must die, and the burnt-offering is sacrificed as a burnt-offering, and** the **peace-offering is sacrificed as a peace-offering. And** the peace-offering **is eaten for one day,** like the peace-offering of a nazirite, rather than the two days of a regular peace-offering, **and it does not require bread,** i.e., the loaves that accompany a nazirite's peace-offering.

הָיוּ לוֹ מָעוֹת סְתוּמִין – יִפְּלוּ לִנְדָבָה. מָעוֹת מְפוֹרָשִׁים; דְּמֵי חַטָּאת – יֵלְכוּ לְיַם הַמֶּלַח, לֹא נֶהֱנִין וְלֹא מוֹעֲלִין. דְּמֵי עוֹלָה – יָבִיאוּ עוֹלָה, וּמוֹעֲלִין בָּהֶן; דְּמֵי שְׁלָמִים – יָבִיאוּ שְׁלָמִים וְנֶאֱכָלִין לְיוֹם אֶחָד, וְאֵינָן טְעוּנִין לֶחֶם.

If **he had unallocated funds,** they **will be allocated for** communal **gift** offerings. If he had **allocated funds** for his offerings, **the money for the sin-offering is taken** and cast **into the Dead Sea,** as one may **not benefit** from it *ab initio*, **but** if he benefits **from it,** he is **not** liable to bring an offering for **misuse** of consecrated property. With **the money for** the **burnt-offering they bring a burnt-offering;** it is prohibited to derive benefit from those coins **and** if he benefits **from it,** he is liable to bring an offering for **misuse** of consecrated property. With **the money for** the **peace-offering they bring a peace-offering, and** it **is eaten for one day and does not require bread.**

גמ׳ אִישׁ – אִין, אֲבָל אִשָּׁה – לָא. מַאי טַעְמָא? רַבִּי יוֹחָנָן אָמַר: הֲלָכָה הִיא בְּנָזִיר. וְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא

GEMARA The mishna taught that **a man** can vow that his son should be a nazirite, **but a woman cannot** do so. The Gemara asks: **What is the reason** for this? **Rabbi Yoḥanan said: It is a *halakha*** transmitted to Moses from Sinai **with regard to a nazirite.**[H] **And Rabbi Yosei, son of Rabbi Ḥanina,**

HALAKHA

A man can vow that his son should be a nazirite – הָאִישׁ מַדִּיר אֶת בְּנוֹ בְּנָזִיר: A man can vow that his minor son should be a nazirite, even if the son is too young to vow himself, but a woman cannot do so. How does this *halakha* work in practice? If a father says to his minor son: You are hereby a nazirite, or if he says: My son so-and-so is a nazirite, or: He is hereby a nazirite, and the son remained silent, he is a nazirite and the father must see to it that he observes all the *halakhot* of naziriteship. If he became ritually impure from a corpse he must bring the offerings of impurity, and he brings the offerings of purity upon the completion of his term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:13–14).

If he shaved or if his relatives shaved him, etc. – גִּילַּח אוֹ שֶׁגִּילְּחוּהוּ קְרוֹבָיו וכו׳: If a son did not wish to accept the naziriteship imposed by his father, and he objected, or if his relatives objected, or if he shaved his hair, or if his relatives did so, thereby demonstrating rejection of the naziriteship, he is not a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:15).

If he had animals separated – הָיְתָה לוֹ בְּהֵמָה מוּפְרֶשֶׁת: In a case where a man vowed that his son should be a nazirite and separated animals for him, and then the son objected to the naziriteship, the sin-offering must be left to die, the burnt-offering is sacrificed as a burnt-offering, and the peace-offering is sacrificed as a peace-offering, which is eaten for one day and does not require bread. If the father set aside unallocated funds for these offerings, they are used for the purchase of gift offerings. If the funds were allocated, the money for the sin-offering is cast into the Dead Sea, i.e., it is prohibited to derive benefit from it, but one who does so is not liable for misuse of consecrated property. With the money for the burnt-offering he must bring a burnt-offering, and one who benefits from this money is liable for misuse of consecrated property. As for the money for the peace-offering, he uses it to bring a peace-offering that is eaten for one day and does not require bread (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 9:12 and *Sefer Avoda*, *Hilkhot Me'ila* 4:3).

It is a *halakha* with regard to a nazirite – הֲלָכָה הִיא בְּנָזִיר: The ruling that a father can vow that his son should be a nazirite but a mother cannot do so is a *halakha* transmitted to Moses from Sinai, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:13).

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אָמַר רֵישׁ לָקִישׁ: כְּדֵי לְחַנְּכוֹ בְּמִצְוֹת. אִי הָכִי אֲפִילּוּ אִשָּׁה נַמִּי! סָבַר: אִישׁ חַיָּיב לְחַנֵּךְ בְּנוֹ בְּמִצְוֹת, וְאֵין הָאִשָּׁה חַיֶּיבֶת לְחַנֵּךְ אֶת בִּתָּהּ.

said that **Reish Lakish said:** The purpose is **in order to educate him in mitzvot,** to teach him how to observe the mitzva of naziriteship. The Gemara asks: **If so, even a woman as well** should be able to impose naziriteship on her son for educational purposes. The Gemara answers: Reish Lakish **holds** that **a man is obligated to educate**[H] **his son in mitzvot, but a woman is not obligated to educate**[NH] **her son** in mitzvot.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דְּאָמַר הֲלָכָה הִיא בְּנָזִיר – אַמְּטוּ לְהָכִי, בְּנוֹ – אִין, בִּתּוֹ – לָא. אֶלָּא לְרֵישׁ לָקִישׁ, אֲפִילּוּ בִּתּוֹ! קָסָבַר: בְּנוֹ – חַיָּיב לְחַנְּכוֹ, בִּתּוֹ – אֵינוֹ חַיָּיב לְחַנְּכָהּ.

The Gemara asks: **Granted, according to** the opinion of **Rabbi Yoḥanan,** who **said it is a *halakha*** transmitted to Moses from Sinai **with regard to a nazirite, for that reason** one can understand the ruling of the mishna, which indicates that for **his son, yes,** a father can vow that he should be a nazirite, but with regard to **his daughter, no,**[N] he cannot do so, as a *halakha* learned by tradition cannot be questioned. **However, according to** the opinion of **Reish Lakish,** a father should **even** be able to impose naziriteship upon **his daughter** for the sake of her education. Why does the mishna specify a son? The Gemara answers that Reish Lakish **holds:** A father **is obligated to educate his son,** whereas **he is not obligated to educate his daughter,**[H] and for this reason he cannot vow that she should be a nazirite.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דַּאֲמַר הֲלָכָה הִיא בְּנָזִיר – אַהָכִי בְּנָזִירוּת אִין, בִּנְדָרִים לָא. אֶלָּא לְרֵישׁ לָקִישׁ, אֲפִילּוּ נְדָרִים נַמִּי!

The Gemara asks another question: **Granted, according to** the opinion of **Rabbi Yoḥanan,** who **said** that **it is a *halakha* with regard to a nazirite, this is why** the mishna indicates that **with regard to naziriteship, yes,** a father can impose a vow upon his son, but **with regard to** other **vows, no,**[H] he cannot do so. **However, according to** the opinion of **Reish Lakish,** who says it is for the son's education, a father should **even** be able to impose regular **vows** upon him **as well.** Why does the mishna specify naziriteship?

לָא מִיבָּעֲיָא קָאָמַר; לֹא מִיבָּעֲיָא בִּנְדָרִים דְּלֵית לֵיהּ נִיוּוּל, אֶלָּא אֲפִילּוּ בִּנְזִירוּת דְּאִית לֵיהּ נִיוּוּל – אֲפִילּוּ הָכִי חַיָּיב לְחַנְּכוֹ.

The Gemara answers: According to Reish Lakish the *tanna* of this mishna **is speaking** utilizing the style of: **It is not necessary,** as follows: **It is not necessary** to ask whether a father can impose regular **vows** of a mitzva **where there is no deprivation** of the son when he fulfills his father's vow, **but even** with regard to **naziriteship, where there is deprivation** of his son, as the son must refrain from wine and shaving, **even so** the father **is obligated to educate him,** and therefore he can vow in this manner too.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דְּאָמַר הֲלָכָה הִיא בְּנָזִיר – הַיְינוּ דְּקָתָנֵי ״מֵיחָה אוֹ שֶׁמִּיחוּהוּ קְרוֹבָיו״.

The Gemara asks another question: **Granted, according to** the opinion of **Rabbi Yoḥanan, who said it is a *halakha*** transmitted to Moses from Sinai **with regard to a nazirite, this** explanation **is** consistent with **that which** the mishna **teaches:** If **he objected, or his relatives objected for him,** the naziriteship is canceled, as the transmitted *halakha* may be that the acquiescence of the relatives is necessary.

אֶלָּא לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא אָמַר רֵישׁ לָקִישׁ, כָּל כְּמִינֵיהֶן קְרוֹבִים דְּאָמְרִין לֵיהּ: לָא תִּיגְמְרֵיהּ מִצְוֹת?! קָסָבַר: כָּל חִינּוּךְ דְּלָא חֲשִׁיב – לָא נִיחָא לֵיהּ.

The Gemara continues its question: **However, according to** the opinion of **Rabbi Yosei, son of Rabbi Ḥanina,** who said that **Reish Lakish said** that this vow serves educational purposes, **is this** really **in the power of the relatives to say to** the father: **Do not teach him mitzvot?** The Gemara answers: Reish Lakish **holds** that with regard to **any education** that is **not important,** e.g., the optional mitzva of naziriteship, the son **is not amenable** to the suffering he must endure for this purpose, and therefore he or his relatives can object.

בְּשִׁלְמָא לְרַבִּי יוֹחָנָן, דְּאָמַר הֲלָכָה הִיא בְּנָזִיר – מִשּׁוּם הָכִי מְגַלַּח וְעָבִיד הַקָּפָה.

The Gemara raises a further difficulty: **Granted, according to** the opinion of **Rabbi Yoḥanan, who said it is a *halakha* with regard to a nazirite,** it is **due to that** reason that the son must **shave** all of his hair at the conclusion of his naziriteship, despite the fact that **he** thereby **performs the rounding** of the corners of his head, in violation of the prohibition: "You shall not round the corners of your heads" (Leviticus 19:27). Since a *halakha* transmitted to Moses from Sinai has the status of Torah law, a minor nazirite shaves despite this prohibition.

HALAKHA

אִישׁ חַיָּיב לְחַנֵּךְ וכו׳: A man is obligated to educate, etc. – A man is obligated to educate his son in mitzvot (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 1:1; *Sefer Ahava*, *Hilkhot Tefillin* 4:13; and *Sefer Hafla'a*, *Hilkhot Shevuot* 12:8; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 17:3, 37:3, 343:1, 657:1, and *Yoreh De'a* 245:1).

וְאֵין הָאִשָּׁה חַיֶּיבֶת לְחַנֵּךְ וכו׳: But a woman is not obligated to educate, etc. – The authorities dispute whether a woman is obligated to educate her son in mitzvot. The question is whether the statement of the Gemara here that she is exempt is in accordance with the opinion of Reish Lakish, whereas Rabbi Yoḥanan disagrees, or whether this opinion is unanimous (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 1:1; *Haggahot Maimoniyot* on Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 2:10; *Magen Avraham* and *Maḥatzit HaShekel* on *Shulḥan Arukh*, *Oraḥ Ḥayyim* 343:1).

בִּתּוֹ אֵינוֹ חַיָּיב לְחַנְּכָהּ: He is not obligated to educate his daughter – A man must educate his minor daughter in the mitzvot she will be obligated to perform upon her maturity, as the *halakha* is in accordance with the opinion of Rabbi Yoḥanan. Even Reish Lakish maintains that he is exempt only with regard to naziriteship and similar mitzvot (Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 2:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 616:2; *Magen Avraham* on *Shulḥan Arukh*, *Oraḥ Ḥayyim* 343:1).

בִּנְזִירוּת אִין בִּנְדָרִים לָא: With regard to naziriteship, yes; with regard to vows, no – A man can vow that his minor son should be a nazirite, but he cannot impose any other kind of vow on him (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:13).

NOTES

אֵין הָאִשָּׁה חַיֶּיבֶת לְחַנֵּךְ: A woman is not obligated to educate – Some commentaries note that according to the opinion of Rabbi Yoḥanan, whose ruling is accepted as *halakha*, a mother is obligated to educate her children in mitzvot (Meiri; *Oraḥ Mishor*; see *Keren Ora*).

בְּנוֹ אִין בִּתּוֹ לָא: His son yes, his daughter no – The early commentaries question this ruling, based on the statement in tractate *Yoma* (82a) that one educates minors, both boys and girls, to fast on Yom Kippur. One answer is that educating for a fast is easy, as it lasts only one day, unlike the lengthier period of naziriteship. Additionally, there is a difference between mitzvot that a girl will be obligated to perform and naziriteship, which is not an obligation at all (*Tosefot HaRosh*; Rabbeinu Peretz).

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BACKGROUND

Pinching – מְלִיקָה:



Sketch of priest pinching the neck of a bird

אֶלָּא לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא אָמַר רֵישׁ לָקִישׁ, כְּדֵי לְחַנְּכוֹ בְּמִצְוֹת – הָא קָעֲבִיד הַקָּפָה!

The Gemara continues its question: **However, according to** the opinion of **Rabbi Yosei, son of Rabbi Ḥanina,** who said that **Reish Lakish said** that the reason the vow of naziriteship takes effect is **in order to educate him in mitzvot,** and it applies only by rabbinic law, how does he explain the fact that this nazirite **performs the rounding** of the head? How does a naziriteship, which is by rabbinic law, override a Torah prohibition?

קָסָבַר: הַקָּפַת כָּל הָרֹאשׁ מִדְּרַבָּנַן, וְחִינּוּךְ מִדְּרַבָּנַן, וְאָתֵי חִינּוּךְ דְּרַבָּנַן וְדָחֵי הַקָּפָה דְּרַבָּנַן.

The Gemara answers: Reish Lakish **holds** that **the rounding of the entire head**[H] is prohibited only **by rabbinic law,** as the Torah itself prohibited shaving only the corners of the head, **and the mitzva of education** also applies **by rabbinic law. And** therefore the mitzva of **education,** which is **by rabbinic law, comes and overrides** the prohibition against **rounding** the head, which likewise applies **by rabbinic law.**

בִּשְׁלָמָא לְרַבִּי יוֹחָנָן, דְּאָמַר הֲלָכָה הִיא בְּנָזִיר – אַהָכִי מְגַלַּח מַיְיתֵי קָרְבָּן.

The Gemara continues to ask along the same lines: **Granted, according to** the opinion of **Rabbi Yoḥanan, who said it is a *halakha* with regard to a nazirite, this is why** when he **shaves** at the conclusion of his naziriteship **he brings an offering,**[H] as the *halakha* is that the minor is a nazirite in all regards, which means his offering is obligatory, like that of an adult nazirite.

אֶלָּא לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא אָמַר רֵישׁ לָקִישׁ, כְּדֵי לְחַנְּכוֹ בְּמִצְוֹת, הָא קָא מַיְיתֵי חוּלִּין לָעֲזָרָה! קָסָבַר: חוּלִּין בָּעֲזָרָה לָאו דְּאוֹרַיְיתָא.

The Gemara continues its question: **However, according to** the opinion of **Rabbi Yosei, son of Rabbi Ḥanina,** who said that **Reish Lakish said** that the reason is **in order to educate him in mitzvot,** the minor's offering is not a Torah obligation, which means **that he brings non-sacred** animals **into the Temple courtyard** for slaughter. The Gemara answers: Reish Lakish **holds** that the prohibition against slaughtering **non-sacred** animals **in the Temple courtyard**[H] does **not** apply **by Torah law** but by rabbinic law, and therefore this prohibition is disregarded due to the importance of the son's education.

בִּשְׁלָמָא לְרַבִּי יוֹחָנָן, דְּאָמַר הֲלָכָה הִיא בְּנָזִיר – אַהָכִי מִיטַּמֵּא מַיְיתֵי קָרְבַּן צִיפֳּרִין, וְאָכֵיל כֹּהֵן מְלִיקָה.

The Gemara asks yet another question: **Granted, according to** the opinion of **Rabbi Yoḥanan, who said it is a *halakha* with regard to a nazirite, this is why when** the son **becomes ritually impure he brings an offering**[H] **of birds, and** the **priest** may **eat** the bird sin-offering that was killed by means of **pinching,**[B] nipping the neck of the bird, rather than by regular slaughter. This permits a bird to be eaten only in the case of a proper bird offering.

אֶלָּא לְרַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא אָמַר רֵישׁ לָקִישׁ – הָא קָאָכֵיל נְבֵילָה!

The Gemara continues its question: **However, according to** the opinion of **Rabbi Yosei, son of Rabbi Ḥanina,** who said that **Reish Lakish said** that the reason the vow takes effect is to educate the son in mitzvot, in this case the priest **eats** an unslaughtered **animal carcass.** If the son is not obligated to bring the offering, the priest will be eating a bird that was killed in a manner that does not render it fit for consumption, which means it has the status of an unslaughtered carcass.

HALAKHA

The rounding of the entire head – הַקָּפַת כָּל הָרֹאשׁ: The Gemara later concludes (57b) that one who shaves only the corners of his head, and likewise one who shaves his entire head, are both liable to receive lashes for rounding the head (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1 and *Kesef Mishne* there; *Shulḥan Arukh*, *Yoreh De'a* 181:2).

When he shaves he brings an offering – מְגַלַּח מַיְיתֵי קָרְבָּן: If a father vowed that his son should become a nazirite, the son must bring the offerings of a regular nazirite upon the completion of his term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:14).

Non-sacred animals in the Temple courtyard – חוּלִּין בָּעֲזָרָה: It is prohibited to bring non-sacred animals into the Temple courtyard. One who slaughters non-sacred animals in the courtyard incurs lashes of rebelliousness from the Sages, and he may not derive benefit from the animal, although this is not a Torah prohibition. The *Kesef Mishne* maintains that according to the Rambam, the prohibition against slaughtering these animals in the courtyard does apply by Torah law. However, no punishment is inflicted on one who does so, and the Torah does not prohibit the consumption of its meat (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 2:2–3; see *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 16:6 and *Sefer Nezikin*, *Hilkhot Geneiva* 2:8).

When he becomes ritually impure he brings an offering – כְּשֶׁמִּיטַּמֵּא מַיְיתֵי קָרְבָּן: A father who vowed that his son should be a nazirite must ensure that the son observes all the *halakhot* of naziriteship. If he becomes ritually impure, the father must bring the offerings of impurity on his behalf (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:14).

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קָסָבַר כְּרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה דְּאֵין שְׁחִיטָה לָעוֹף מִן הַתּוֹרָה, וְחוּלִּין בָּעֲזָרָה לָאו דְּאוֹרַיְיתָא.

The Gemara answers: Reish Lakish **holds in accordance with** the opinion of **Rabbi Yosei, son of Rabbi Yehuda,** who holds **that slaughter of a bird**[H] **is not** obligatory **by Torah law.** Rather, by Torah law birds are fit to be eaten no matter how they are killed, and it was the Sages who decreed that they must be slaughtered. **And** he also maintains that the prohibition against bringing **non-sacred** animals for slaughter **in the Temple courtyard** does **not** apply **by Torah law.** Consequently the rabbinic mitzva of education overrides these prohibitions, as they too are rabbinic.

וְסָבַר רַבִּי יוֹסֵי הָכִי? וְהָתַנְיָא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: מִנַּיִן לְחַטָּאת הָעוֹף שֶׁהִיא בָּאָה עַל הַסָּפֵק שֶׁאֵינָהּ נֶאֱכֶלֶת – תַּלְמוּד לוֹמַר "וְהַזָּב אֶת זוֹבוֹ לַזָּכָר וְלַנְּקֵבָה". מַקִּישׁ נְקֵבָה לְזָכָר; מַה זָּכָר מֵבִיא קָרְבָּן עַל הַוְּדָאִי – אַף נְקֵבָה מְבִיאָה קָרְבָּן עַל הַוְּדָאִי, וּמַה זָּכָר מֵבִיא עַל הַסָּפֵק – אַף נְקֵבָה מְבִיאָה עַל הַסָּפֵק,

The Gemara asks: **And does Rabbi Yosei hold this** opinion? **But isn't it taught** in a *baraita* that **Rabbi Yosei, son of Rabbi Yehuda, says: From where** is it derived **that the bird sin-offering that comes due to uncertainty**[NH] **is not eaten? The verse states: "And they who have an issue, whether a male or a female"** (Leviticus 15:33), which **juxtaposes a female to a male:**[N] **Just as a male brings an offering for a definite** sin,[H] i.e., for a transgression he is sure he committed inadvertently, **so too, a female brings an offering for a definite**[H] sin. **And just as a male brings** a provisional guilt-offering **for** his **uncertain** transgression,[H] **so too, a female brings** an offering **for** her case of **uncertainty.**[H]

וּמַה זָּכָר מִמִּין שֶׁהוּא מֵבִיא עַל הַוְּדָאִי מֵבִיא עַל הַסָּפֵק – אַף נְקֵבָה מִמִּין שֶׁהִיא מְבִיאָה עַל הַוְּדָאִי מְבִיאָה עַל הַסָּפֵק. אִי מַה זָּכָר מֵבִיא קָרְבָּן וְנֶאֱכָל, אַף נְקֵבָה מְבִיאָה קָרְבָּן וְנֶאֱכָל. אָמַרְתָּ:

And furthermore: **Just as a male brings** an animal **for** his **uncertain** transgression, a ram as a guilt-offering, **from** the same **type from** which **he brings a definite** sin-offering, an animal sin-offering, **so too, a female brings** the same type **for her** case of **uncertainty from** the same **type from** which **she brings for a definite** offering, i.e., a bird if she is a *zava* or gave birth. This leads to the following question: **If** so, one can continue this line of thought: **Just as a male brings an offering and** it **is eaten,**[H] **so too, a female brings an offering and** it should be **eaten** when she sacrifices an offering for uncertain childbirth. With regard to this case **you say:**

NOTES

The bird sin-offering that comes due to uncertainty – חַטָּאת הָעוֹף שֶׁהִיא בָּאָה עַל הַסָּפֵק: These uncertainties typically involve a *zav* or *zava*, who must bring a bird sin-offering, as there is sometimes a doubt as to whether they saw an emission of a *zav* or some other emission. Similarly, a doubt might arise with regard to the time of the emission. Likewise, a childbearing woman, who brings a bird sin-offering if she is poor, might be unsure whether her stillborn child renders her obligated to bring an offering. The early commentaries state that the obligation to bring the bird sin-offering in a case of uncertainty is derived from this very verse: "And they who have an issue, whether a male or a female" (Leviticus 15:33). Consequently, this should be read as a double question: From where is it derived that a sin-offering is brought in a case of uncertainty, and from where is it derived that it is not eaten (Rosh; *Shita Mekubbetzet*; Rabbeinu Peretz)?

Juxtaposes a female to a male – מַקִּישׁ נְקֵבָה לְזָכָר: The commentaries note that this juxtaposition is unnecessary with regard to obligatory offerings, as the Torah equates women to men with respect to all punishments. *Tosafot* note that additionally, the Torah generally uses neutral language in connection to offerings, for example: "When a person brings" (Leviticus 1:2). Other early commentaries add that the terms male and female are imprecise in this context. These terms are used because some offerings, e.g., a bird sin-offering, are typically sacrificed by females. The most common of these are the nest of a childbearing woman and the offering of a *zava*. Meanwhile, the provisional guilt-offering is stated only in the masculine form. Others contend that the term: Female, refers only to the offering of a woman who has given birth, as the *halakhot* of males and females are not entirely the same in the cases of a *zav* and a *zava* (Rabbeinu Peretz).

HALAKHA

Slaughter of bird – שְׁחִיטָה לָעוֹף: It is a positive mitzva that one who wishes to eat meat, including that of a bird, must slaughter it in the manner specified by the Oral Law (Rambam *Sefer Kedusha*, *Hilkhot Sheḥita* 1:1; 4; *Shulḥan Arukh*, *Yoreh De'a* 13:1).

The bird sin-offering that comes due to uncertainty – חַטָּאת הָעוֹף שֶׁהִיא בָּאָה עַל הַסָּפֵק: A bird sin-offering brought due to uncertainty, e.g., by a woman who might have been a *zava*, is not eaten after it has been slaughtered in the proper manner. Rather, it is burned like an invalid offering (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 7:10, 19:10 and *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:6, 7).

A male brings an offering for a definite sin – זָכָר מֵבִיא קָרְבָּן עַל הַוְּדָאִי: If one unwittingly transgresses a prohibition that entails *karet* when transgressed intentionally, he is obligated to bring a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 1:1).

A female brings an offering for a definite sin – נְקֵבָה מְבִיאָה קָרְבָּן עַל הַוְּדָאִי: A *zava* and a woman after childbirth bring offerings upon their ritual purification. These consist of a pigeon or a turtledove for a sin-offering (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:3).

A male brings an offering for an uncertain transgression – זָכָר מֵבִיא עַל הַסָּפֵק: If one is uncertain as to whether he has committed a sin whose accidental performance renders him obligated to bring a fixed sin-offering, he must bring a provisional guilt-offering (Rambam *Sefer Korbanot*, *Hilkhot Shegagot* 8:1).

So too, a female brings an offering for her case of uncertainty – אַף נְקֵבָה מְבִיאָה עַל הַסָּפֵק: If a woman was an uncertain *zava* or if she miscarried and is unsure whether it is a case that is considered a birth, she is obligated to bring an offering due to uncertainty (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:6–7).

A male brings an offering and it is eaten – מֵבִיא קָרְבָּן וְנֶאֱכָל: With regard to one who is unsure whether he has accidentally committed a transgression that warrants *karet* if committed intentionally, he must bring a provisional guilt-offering, which is eaten by priests in the Temple courtyard (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 9:1).

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לֹא, אִם אָמַרְתָּ בְּזָכָר – שֶׁכֵּן אִיסּוּר אֶחָד, תֹּאמַר בִּנְקֵבָה – שֶׁשְּׁנֵי אִיסּוּרִין.

No, you cannot make this claim, because **if you say** that this is true **with regard to a male, when** bringing his offering involves only **one** uncertain **prohibition,** i.e., that he might be bringing non-sacred animals into the Temple courtyard, **shall you** also **say** that this is the case **with regard to a female, whose** case includes **two prohibitions?** This concludes the *baraita*.

מַאי שְׁנֵי אִיסּוּרִין – לָאו אִיסּוּר נְבֵילָה וְחוּלִּין בָּעֲזָרָה? מַתְקִיף לָהּ רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: וְדִילְמָא מִיחַיַּיב עֲלֵיהּ מִשּׁוּם דְּמִיתְחֲזֵי כְּתֵרִין אִיסּוּרִין מִדְּרַבָּנַן!

The Gemara asks: **What** are these **two prohibitions?** Are they **not the prohibition** against consuming an unslaughtered **animal carcass** by eating a bird killed by pinching, **and** the prohibition against bringing **non-sacred** animals **into the** Temple **courtyard?** This shows that the prohibition against bringing non-sacred animals into the Temple courtyard applies by Torah law according to the opinion of Rabbi Yosei, son of Rabbi Yehuda. **Rav Aḥa, son** of **Rav Ika, objects to this: And perhaps** one is not liable for these prohibitions by Torah law, rather, the *baraita* means that one **is liable for this because it appears like two** Torah **prohibitions,** although they actually apply only **by rabbinic law.**

לֵימָא כְּתַנָּאֵי: עַד מָתַי מַדִּיר אֶת בְּנוֹ בְּנָזִיר – עַד שֶׁיָּבִיא שְׁתֵּי שְׂעָרוֹת, דִּבְרֵי רַבִּי. רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: עַד שֶׁמַּגִּיעַ לְעוֹנַת נְדָרִים.

§ The Gemara returns to the question of whether the ruling that a man can impose naziriteship on his son is a *halakha* transmitted to Moses from Sinai or whether it is part of the boy's education. **Let us say** that this is **parallel to** a dispute between ***tanna'im.*** As it is taught: **Until when can** a father **vow** that **his son** should **be a nazirite?**[H] It is **until** the son **develops two** pubic **hairs;** this is **the statement of Rabbi** Yehuda HaNasi. **Rabbi Yosei, son of Rabbi Yehuda, says:** It is **until he reaches the age of vows,** usually approximately a year earlier, when he demonstrates an understanding of the nature of vows. If he vows at that age and comprehends the significance of his utterance, his vow is valid.

מַאי לָאו תַּנָּאֵי הִיא, דְּרַבִּי סָבַר: הֲלָכָה הִיא בְּנָזִיר, וְאַף עַל גַּב דְּהִגִּיעַ לְעוֹנַת נְדָרִים – מַדִּיר לֵיהּ וְאָזֵיל עַד דְּמַיְיתֵי שְׁתֵּי שְׂעָרוֹת. וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה דְּאָמַר עַד שֶׁמַּגִּיעַ לְעוֹנַת נְדָרִים, סָבַר: כְּדֵי לְחַנְּכוֹ בְּמִצְוֹת, וְכֵיוָן דְּנָפֵיק מֵרְשׁוּתֵיהּ – תּוּ לָא מִיחַיַּיב?

What, is it not the case that this **is** a dispute between ***tanna'im*: As Rabbi** Yehuda HaNasi **holds** that **it is a *halakha*** transmitted to Moses from Sinai **with regard to a nazirite, and** therefore **even though** the son has already **reached the age of vows** and is capable of making his own decision with regard to the vow, this *halakha* states that the father **continues to vow for him until he develops two** pubic **hairs,** the sign of maturity. **And Rabbi Yosei, son of Rabbi Yehuda, who says** that the father can vow for the son only **until he reaches the age of vows, holds** that he imposes a vow on his son **in order to educate him in mitzvot, and since** the son **has left** the father's **supervision** to the degree that he can utter his own vows, the father **is no longer obligated** to educate him in this area of *halakha*.

אָמְרִי: לָא, דְּכוּלֵּי עָלְמָא הֲלָכָה הִיא בְּנָזִיר, וְהָכָא בְּמוּפְלָא הַסָּמוּךְ לְאִישׁ קָמִיפַּלְגִי;

The Gemara rejects this argument. The Sages **say** in response: **No;** this is not the correct explanation of that dispute, as one can say **that everyone,** both Rabbi Yehuda HaNasi and Rabbi Yosei, son of Rabbi Yehuda, agrees with Rabbi Yoḥanan that **it is a *halakha* with regard to a nazirite, and here they disagree with regard to** the issue of **a minor one year before** he or she **reaches majority.**[HN] In other words, they dispute the case of a child who utters a vow when he is almost mature, on the verge of puberty. It is an accepted *halakha* that the vow of this child is valid if he understands its meaning. The dispute concerns the source of this *halakha*.

רַבִּי סָבַר: מוּפְלָא הַסָּמוּךְ לְאִישׁ דְּרַבָּנַן, וְאַתְיָא דְּאוֹרַיְיתָא דָּחֲיָא דְּרַבָּנַן, וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה סָבַר: מוּפְלָא הַסָּמוּךְ לְאִישׁ דְּאוֹרַיְיתָא.

Rabbi Yehuda HaNasi **holds** that the status of **a minor one year before** he or she **reaches majority** applies **by rabbinic law, and** therefore the *halakha* **by Torah law** that a father can vow on behalf of his son **comes and overrides** the decree that one who is near the age of maturity is considered an independent adult with regard to vows, which is **by rabbinic law. And Rabbi Yosei, son of Rabbi Yehuda, holds** that the status of **a minor one year before** he or she **reaches majority** applies **by Torah law.** Consequently, the *halakha* that a father can vow on behalf of his son does not apply to this case.

HALAKHA

Until when can he vow that his son should be a nazirite – עַד מָתַי מַדִּיר אֶת בְּנוֹ בְּנָזִיר: A man can vow that his son should be a nazirite until the son becomes a man, at the point when he grows two pubic hairs. The *halakha* is in accordance with the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:15).

A minor one year before he or she reaches majority – מוּפְלָא הַסָּמוּךְ לְאִישׁ: If a boy or girl who are within a year of maturity, i.e., twelve years old for a boy and eleven years old for a girl, uttered a vow and demonstrated that they understood in Whose name they had vowed, their vows are valid by Torah law. Similarly, if they vowed when they reached the age of majority, i.e., thirteen for a boy and twelve for a girl, then even if they did not demonstrate this understanding, their vows are valid by Torah law. Likewise, their *teruma* is valid *teruma*, for the same reason. In tractate *Nidda* (46b) *amora'im* dispute this issue, with both Rabbi Yoḥanan and Reish Lakish maintaining that the status of a minor one year before he or she reaches majority applies by Torah law. However, if they transgressed their vows they are liable to receive lashes only if they have developed two pubic hairs, which is the minimum criterion for punishment (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 11:4 and *Sefer Zera'im*, *Hilkhot Terumot* 4:5; *Shulḥan Arukh*, *Yoreh De'a* 233:1).

NOTES

A minor one year before he or she reaches majority [*mufla hasamukh le'ish*] – מוּפְלָא הַסָּמוּךְ לְאִישׁ: Most commentaries concur that the expression: *Mufla hasamukh le'ish*, which can be translated as: One who is almost a man who explicitly utters a statement, refers to the year before a boy's maturity, i.e., the age of twelve, when he is almost but not quite a man. As for the meaning of the term, *mufla*, it indicates a vow, as in the verse: "If a man clearly [*yafli*] utters a vow" (Leviticus 27:2); the use of the term is probably based on this verse. Before he reaches this age, the vows of a minor are of no account, but from the age of twelve onward the court examines his statements, and if it is clear that he understands the nature of a vow and in Whose name he took the vow, his vows are valid and binding like those of an adult in almost every respect.

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וְאִיבָּעֵית אֵימָא: דְּכוּלֵי עָלְמָא כְּדֵי לְחַנְּכוֹ בְּמִצְוֹת, וּמוּפְלָא הַסָּמוּךְ לְאִישׁ דְּרַבָּנַן הִיא; רַבִּי סָבַר: אָתֵי חִינּוּךְ דְּרַבָּנַן וְדָחֵי מוּפְלָא הַסָּמוּךְ לְאִישׁ דְּרַבָּנַן,

And if you wish, say instead **that everyone** agrees that a father vows for his son **in order to educate him in mitzvot,** which means it is by rabbinic law, **and** likewise the status of **a minor one year before** he or she **reaches majority is** also **by rabbinic law.** In that case, the *tanna'im* dispute the following: **Rabbi** Yehuda HaNasi **holds** that the mitzva of **education,** which applies **by rabbinic law, comes and overrides** the status of **a minor one year before** he or she **reaches majority,** which is also **by rabbinic law.**

וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה דְּאָמַר עַד שֶׁיַּגִּיעַ לְעוֹנַת נְדָרִים, קָסָבַר: לָא אָתֵי חִינּוּךְ דְּרַבָּנַן וְדָחֵי מוּפְלָא הַסָּמוּךְ לְאִישׁ.

And Rabbi Yosei, son of Rabbi Yehuda, who said that a father can vow for his son only **until he reaches the age of vows, holds** that the mitzva of **education by rabbinic law does not come and override** the status of **a minor one year before** he or she **reaches majority.** Consequently, there is no necessary connection between this dispute of *tanna'im* and the argument between Rabbi Yoḥanan and Reish Lakish as to whether the ruling that a father can impose naziriteship on his son is a *halakha* transmitted to Moses from Sinai or an educational tool.

לֵימָא הָנֵי תַּנָּאֵי כִּי הָנֵי תַּנָּאֵי, דְּתַנְיָא: מַעֲשֶׂה בְּרַבִּי חֲנִינָא שֶׁהִדִּירוֹ אָבִיו בְּנָזִיר וְהֵבִיאוֹ לִפְנֵי רַבָּן גַּמְלִיאֵל, וְהָיָה רַבָּן גַּמְלִיאֵל בּוֹדְקוֹ לֵידַע אִם הֵבִיא שְׁתֵּי שְׂעָרוֹת אִם לֹא הֵבִיא.

With regard to the dispute concerning the time period for a father's vow on behalf of his son, the Gemara suggests: **Shall we say** that the dispute between **these *tanna'im* is like** the dispute between **those** other ***tanna'im*, as it is taught** in a *baraita* (*Tosefta*, *Nidda* 5:9): **An incident** occurred **involving Rabbi Ḥanina**[P] in **which his father vowed** that he should **be a nazirite** when he was a minor, **and they brought him before Rabban Gamliel, and Rabban Gamliel examined him to discern if he had** already **developed two** pubic **hairs,** in which case the vow would not take effect, or **if he had not developed** them, which would mean that the vow was valid.

רַבִּי יוֹסֵי אוֹמֵר: לֵידַע אִם הִגִּיעַ לְעוֹנַת נְדָרִים אִם לָאו. אָמַר לוֹ: רַבִּי, אַל תִּצְטַעַר לְבוֹדְקֵנִי, אִם קָטָן אֲנִי – אֶהְיֶה בִּשְׁבִיל אַבָּא, אִם גָּדוֹל אֲנִי – אֶהְיֶה בִּשְׁבִיל עַצְמִי. עָמַד רַבָּן גַּמְלִיאֵל וּנְשָׁקוֹ עַל רֹאשׁוֹ, אָמַר: מוּבְטָח אֲנִי בְּזֶה שֶׁמּוֹרֶה הֲלָכָה בְּיִשְׂרָאֵל. אָמְרוּ: לֹא הָיוּ יָמִים מוּעָטִים עַד שֶׁהוֹרָה הוֹרָאָה בְּיִשְׂרָאֵל.

Rabbi Yosei says that Rabban Gamliel examined him **to discern whether he had reached the age of vows or not,** which he maintains is the decisive factor. The child **said to** Rabban Gamliel: **My teacher, do not go to the trouble of examining me,** since **if I am a minor I shall be** a nazirite **due to** my **father's** vow, and **if I am an adult, I shall be** a nazirite **due to my own** vow. **Rabban Gamliel arose and kissed** the child **on his head. He said: I am certain of this** child **that** he will eventually become **an authority of *halakha* for the Jewish people. They said:** In fact, **it was only a few years** later **that** the child **issued rulings for the Jewish people.**

בְּשִׁלְמָא לְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, דְּאָמַר עַד שֶׁיַּגִּיעַ לְעוֹנַת נְדָרִים – הַיְינוּ דְּקָאָמַר ״אִם קָטָן אֲנִי – אֶהְיֶה בִּשְׁבִיל אַבָּא״. אֶלָּא לְרַבִּי, דְּאָמַר עַד שֶׁיָּבִיא שְׁתֵּי שְׂעָרוֹת: ״וְאִם גָּדוֹל אֲנִי אֶהְיֶה בִּשְׁבִיל עַצְמִי״.

The Gemara explains its suggestion: **Granted, according to** the opinion of **Rabbi Yosei, son of Rabbi Yehuda, who said** that a father can vow on behalf of his son only **until he reaches the age of vows, this is** why the child **said: If I am a minor I shall be** a nazirite **due to** my **father,** as he means: If I have not yet reached the age of vows. **However, according to** the opinion of **Rabbi** Yehuda HaNasi, **who said** that a father can vow naziriteship for his son **until he develops two** pubic **hairs,** despite the fact that he is already mature with regard to vows, what is the meaning of: **And if I am an adult, I shall be** a nazirite **due to my own vow?**

PERSONALITIES

Rabbi Ḥanina – רַבִּי חֲנִינָא: This generally refers to Rabbi Ḥanina bar Ḥama, who lived in the intermediate generation between the *tanna'im* and the *amora'im*. Born in Babylonia, Rabbi Ḥanina bar Ḥama came to Eretz Yisrael at an early age and was fortunate enough to learn Torah from Rabbi Yehuda HaNasi. Rabbi Yehuda HaNasi was very fond of Rabbi Ḥanina, of whom he said: This is not a man but an angel. Rabbi Ḥanina also studied from the greatest of Rabbi Yehuda HaNasi's students, principally Rabbi Ḥiyya. Rabbi Ḥanina lived in the town of Tzippori and made his living selling honey. His business thrived, and he used his success to support many scholars. He was considered one of the most formidable intellects of his generation and was also known for his righteousness and piety. His contributions to *halakha* and *aggada* are found throughout both the Babylonian Talmud and Jerusalem Talmud. Rabbi Ḥanina led a long life in good health and had the privilege of raising disciples over several generations. He and Rabbi Yehoshua ben Levi were colleagues, and he was particularly pleased to see Rabbi Yoḥanan, who had been his student for many years, rise to greatness. The *amora* Rabbi Ḥama bar Ḥanina was possibly his son. Based on the context it is hard to accept that the story cited in the Gemara involves this Rabbi Ḥanina; rather, it is likely referring to another *tanna* of the same name.

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הָא בִּרְשׁוּתֵיהּ דַּאֲבוּהּ קָאֵים! אֶלָּא, דְּאָמַר "אֲהֵא בִּשְׁבִיל אַבָּא, אֲהֵא בִּשְׁבִיל עַצְמִי".

After all, he still **remains under his father's authority**[N] with regard to naziriteship, as he has yet to develop two pubic hairs. **Rather,** one must explain **that he said** the following: **I shall be** a nazirite **due to** my **father; I shall be** a nazirite **due to my own** vow. In other words, he did not link his statement to the question of whether he was old enough to vow but to the issue of his father's authority with regard to naziriteship, i.e., whether he had developed two hairs.

אִי אִיתֵּי שְׁתֵּי שְׂעָרוֹת מֵעִיקָּרָא – קָאֵים בִּנְזִירוּת דִּילֵיהּ, וּלְבַסּוֹף – קָאֵים בִּנְזִירוּת דַּאֲבוּהּ. וְאִי אַיְתֵי בְּמִצְעֵי מַאי?

The Gemara asks: According to the opinion of Rabbi Yehuda HaNasi, **if he had developed two** pubic **hairs from the outset,** i.e., before his father vowed, he would **stand** bound **by his own naziriteship, and** if he reached physical maturity **at the end,** i.e., after the vow ended, he would **stand** bound **by his father's** vow of **naziriteship. But if he developed** two hairs **in the middle** of his naziriteship term, of **what** use would the son's vow be?

הָנְיָחָא לְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה, דְּאָמַר עַד שֶׁיָּבִיא שְׁתֵּי שְׂעָרוֹת,

The Gemara clarifies: **This works out well according to** the opinion of **Rabbi Yosei, son of Rabbi Yehuda, who said** that a father can vow on behalf of his son **until he reaches the age of vows.** The reason is that this stage is by rabbinic law, and therefore the fact that the son has reached this stage does not automatically cancel the father's vow. The son would complete his term and bring his offerings.

אֶלָּא לְרַבִּי, דְּאָמַר עַד שֶׁיָּבִיא שְׁתֵּי שְׂעָרוֹת, מַאי אִיכָּא לְמֵימַר? אָמְרִי: לְרַבִּי לֵיכָּא תַּקָּנְתָּא עַד דְּיָתֵיב דִּילֵיהּ וְיָתֵיב דַּאֲבוּהִי.

However, according to the opinion of **Rabbi** Yehuda HaNasi, **who said** that a father can vow for his son only **until he develops two** pubic **hairs, what can be said?** If he grew two hairs during his father's naziriteship it is no longer in effect, as by Torah law he is no longer under his father's authority, so what is the *halakha* in that case? The Sages **say** in response: According **to** the opinion of **Rabbi** Yehuda HaNasi, this child **has no rectification until he sits for his** term of naziriteship **and** also **sits for** the naziriteship **of his father,** i.e., he must be a nazirite for sixty days, to ensure that he completes a full term of thirty days, either for his own naziriteship or for that of his father.

מתני' הָאִישׁ מְגַלֵּחַ עַל נְזִירוּת אָבִיו, וְאֵין הָאִשָּׁה מְגַלַּחַת עַל נְזִירוּת אָבִיהָ. כֵּיצַד? מִי שֶׁהָיָה אָבִיו נָזִיר, וְהִפְרִישׁ מָעוֹת סְתוּמִים עַל נְזִירוּתוֹ, וּמֵת. וְאָמַר "הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֲגַלַּח עַל מְעוֹת אַבָּא".

MISHNA **A man can shave,** i.e., bring the offerings at the close of his term of naziriteship, **by** using offerings originally designated for **his father's naziriteship,**[H] **but a woman cannot shave by** means of the offerings for **her father's naziriteship. How so;** how is this *halakha* applied? It applies to **one whose father was a nazirite**[NH] **and separated unallocated money for his naziriteship,** i.e., he did not state which coins were for which of his offerings, **and he died** before buying the animals, **and** the son **said** after his father's death: **I am hereby a nazirite on the condition that I will shave by** means of **the money** that my **father** set aside.

אָמַר רַבִּי יוֹסֵי: הֲרֵי אֵלּוּ יִפָּלוּ לִנְדָבָה, אֵין זֶה מְגַלֵּחַ עַל נְזִירוּת אָבִיו. אֵיזֶהוּ שֶׁמְּגַלֵּחַ עַל נְזִירוּת אָבִיו? מִי שֶׁהָיָה הוּא וְאָבִיו נְזִירִים, וְהִפְרִישׁ אָבִיו מָעוֹת סְתוּמִים לִנְזִירוּתוֹ וּמֵת – זֶה הוּא שֶׁמְּגַלֵּחַ עַל נְזִירוּת אָבִיו.

Rabbi Yosei said: In that case **these** coins are **allocated for** communal **gift** offerings, and the son may not use them, as **this is not** the case of the *halakha* that a son **can shave by** using **his father's naziriteship.** Rather, **who is** the son **who can shave by** using **his father's naziriteship?** This is referring to a son **and his father who were** both **nazirites**[H] during his father's lifetime, **and his father separated unallocated money for his naziriteship and died; this is the one who may shave by** using **his father's naziriteship.**

NOTES

He remains under his father's authority – הָא בִּרְשׁוּתֵיהּ דַּאֲבוּהּ קָאֵים: Most commentaries explain this question as follows: If the son's statement: If I am a minor I shall be a nazirite due to my father's vow, and if I am an adult, I shall be a nazirite due to my own vow, refers to the age of vows, Rabbi Yehuda HaNasi must account for the fact that he has not yet left his father's authority completely, which means that his father's vow should still apply. After all, a father can impose a vow on his son even during the son's thirteenth year, and after he has reached the age of vows. Why, then, does this son have to accept his own naziriteship when his father's is still in effect? See the alternative explanations of the Commentary on *Nazir*, and the Rid.

One whose father was a nazirite – מִי שֶׁהָיָה אָבִיו נָזִיר: There are two versions of this mishna. According to the alternative reading, which is the reverse of that of the standard text, everyone agrees that a son who became a nazirite after his father's death may use his unallocated money. They disagree only with regard to a father and son who were nazirites at the same time. According to the standard version, Rabbi Yosei's reasoning is that if the father died before the son became a nazirite there is no connection between their naziriteship terms, whereas if they were nazirites concurrently he has a claim to his father's naziriteship money. Those who accept the other version of the text explain that a son who was a nazirite in his father's lifetime must tend to his own obligation, and therefore he may not make use of his father's offerings. Conversely, if he vowed after his father's death he may stipulate the use of his money (see Commentary on *Nazir* and *Tosafot*).

HALAKHA

A man can shave by using his father's naziriteship, etc. – הָאִישׁ מְגַלֵּחַ עַל נְזִירוּת אָבִיו וכו': A man who vowed naziriteship is permitted to make use of his late father's offerings. However, a woman may not do so (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

One whose father was a nazirite, etc. – מִי שֶׁהָיָה אָבִיו נָזִיר וכו': If one's father was a nazirite who had separated unallocated money for his offerings before he died, the son may use that money for his own offerings if he said after his father's death: I am hereby a nazirite on the condition that I can bring my offerings from the money set aside by my father. This is in accordance with the unattributed opinion in the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

A son and his father who were both nazirites, etc. – מִי שֶׁהָיָה הוּא וְאָבִיו נְזִירִים וכו': In a case where both a man and his father were nazirites, and the father separated unallocated money before he died, the son may use the money if he stated after his father's death that he will shave by means of his father's money. If he did not declare this intention, the money is used for gift offerings (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

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גמ׳ מַאי טַעֲמָא? אָמַר רַבִּי יוֹחָנָן: הֲלָכָה הִיא בְּנָזִיר. פְּשִׁיטָא! מַאי לְמֵימְרָא דְּבֵן יוֹרֵשׁ אֶת אָבִיו, בַּת לָא?!

GEMARA The Gemara asks: **What is the reason** for this difference between a man and a woman? **Rabbi Yoḥanan said: It is a *halakha*** transmitted to Moses from Sinai **with regard to a nazirite.**[H] The Gemara asks: It is **obvious** that this is so, even without this *halakha*. **What** is the purpose **of stating** this? Is Rabbi Yoḥanan coming to say **that a son inherits** from **his father** whereas **a daughter** does **not,** and therefore only a son who inherits from his father can use his animals, but not a daughter? This is obvious, as it is stated in the Torah that a daughter does not inherit from her father if he has a son (see Numbers 27:8).

לָא צְרִיכָא, דְּלֵית לֵיהּ אֶלָּא בַּת. מַהוּ דְּתֵימָא: יוֹרְשִׁין גְּמִירִין לָהּ,

The Gemara answers: **No,** this *halakha* is **necessary** in a case **when he has only a daughter,** who does inherit from him. **Lest you say** that **we learned** this *halakha* with regard to **heirs,** i.e., that the *halakha* is that all heirs, including a daughter, can shave by means of their father's offerings,

HALAKHA

It is a *halakha* with regard to a nazirite – הֲלָכָה הִיא בְּנָזִיר: A man may shave by means of his father's offerings, but a woman may not do so. This is in accordance with a *halakha* learned by tradition, as stated by Rabbi Yoḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

Perek **IV**
Daf **30** Amud **b**

קָא מַשְׁמַע לָן – הֲלָכָה.

the mishna therefore **teaches us** that it is **a *halakha*** that is unrelated to inheritance; there is simply a tradition that a son can use the offerings for his father's naziriteship while a daughter cannot.

אִיבַּעְיָא לְהוּ: פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי יוֹסֵי אוֹ לָא פְּלִיגִי? וְאִם תִּימְצֵי לוֹמַר פְּלִיגִי, אַרִישָׁא אוֹ אַסֵּיפָא? תָּא שְׁמַע: כֵּיצַד אָמְרוּ הָאִישׁ מְגַלֶּחַ עַל נְזִירוּת אָבִיו?

§ **A dilemma was raised before** the Sages: Do **the Rabbis disagree with Rabbi Yosei,**[N] **or do** they **not disagree? If you say** they **disagree,** do they take issue **with the first clause or with the latter clause** of his *halakha*? The Gemara suggests an answer: **Come** and **hear** the following *baraita*: **How did** the Sages **say** that **a man can shave**[H] **by** using **his father's naziriteship?**

מִי שֶׁהָיָה אָבִיו נָזִיר, וְהִפְרִישׁ אָבִיו מָעוֹת לִנְזִירוּתוֹ, וּמֵת, וְאָמַר ״הֲרֵינִי נָזִיר עַל מְנָת שֶׁאֲגַלַּח עַל מְעוֹת אַבָּא״ – זֶהוּ שֶׁמְּגַלֵּחַ עַל מְעוֹת אָבִיו. אֲבָל מִי שֶׁהָיָה הוּא וְאָבִיו נְזִירִים, וְהִפְרִישׁ אָבִיו מָעוֹת לִנְזִירוּתוֹ, וּמֵת – הֲרֵי אֵלּוּ יִפְּלוּ לִנְדָבָה, דִּבְרֵי רַבִּי יוֹסֵי.

With regard to **one whose father was a nazirite and his father separated money for his naziriteship and died, and** the son **said: I am hereby a nazirite on the condition that I can shave by** using my **father's money, this is the one who can shave by** means of **his father's money. However,** if a son **and his father were** both **nazirites, and his father separated money for his** own **naziriteship and died, this** money is **allocated for** communal **gift** offerings. This is **the statement of Rabbi Yosei.**

רַבִּי אֱלִיעֶזֶר וְרַבִּי מֵאִיר וְרַבִּי יְהוּדָה אָמְרוּ: זֶה הוּא שֶׁמְּגַלֵּחַ עַל מְעוֹת אָבִיו.

Rabbi Eliezer, and Rabbi Meir, and Rabbi Yehuda said: This is the one who can shave[N] **by** using **his father's money.** Their emphasis of: This is the one, indicates that they disagree with Rabbi Yosei entirely. In other words, where Rabbi Yosei rules that one can use his father's money, they maintain that he cannot do so; and conversely, in a case where Rabbi Yosei says that one cannot spend his father's money for his nazirite offerings, the Rabbis rule that he can do so.

HALAKHA

How did they say a man can shave, etc. – כֵּיצַד אָמְרוּ הָאִישׁ מְגַלֵּחַ וכו׳: Whether he vowed naziriteship in his father's lifetime or after his death, a son can use the unallocated money his father left behind. The *halakha* is in accordance with the opinion of the Rabbis, who disagree with Rabbi Yosei only with regard to his latter clause (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

NOTES

Do the Rabbis disagree with Rabbi Yosei – פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי יוֹסֵי: On the one hand, as the mishna itself does not explicitly cite a dispute in this regard, the entire mishna is apparently part of the traditional *halakha*, especially as the phrase: Rabbi Yosei said, usually indicates that he does not take issue with the previous statement. On the other hand, the phrase: Who is the one who shaves, indicates the existence of an opposing opinion that does not appear in the mishna. Some commentaries explain that the Gemara is asking whether Rabbi Yosei's colleagues accept his ruling (Rabbeinu Peretz).

This is the one who can shave, etc. – זֶה הוּא שֶׁמְּגַלֵּחַ וכו׳: Some commentaries say that the phrase: This is, means: This case and no other, which indicates that the Rabbis disagree with both the first and last rulings, i.e., they maintain the reverse of Rabbi Yosei's opinion (Commentary on *Nazir*). In the Jerusalem Talmud a similar explanation is accepted, and the *Tosefta* explicitly states likewise. Others claim that the first clause is unanimous, and the phrase: This is, refers only to the last clause. Consequently, the son can shave in both cases in the opinion of the Rabbis. Most commentaries accept this explanation, for various reasons.

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בָּעֵי רַבָּה: יֵשׁ לוֹ שְׁנֵי בָּנִים נְזִירִים, מַהוּ? הֵילְכְתָא גְּמִירִין לָהּ, כָּל דְּקָדֵים גָּלַח – גָּלַח, אוֹ דִילְמָא יְרוּשָּׁה גְּמִירִין לָהּ, וּפְלָגָא הָווּ?

§ **Rabba raised a dilemma:** If a father **has two nazirite sons,**[H] **what is** the *halakha*? The Gemara clarifies the sides of the dilemma: Does one say that **we learned it** as a ***halakha*** that a son can shave using money left for his father's naziriteship, and therefore **any** son **who precedes** his brother **and shaves** using his father's money has **shaved** and gained the entire sum? **Or perhaps we learned** this *halakha* from the case of **inheritance, and** consequently, each receives **a half?**

בָּעֵי רָבָא: בְּכוֹר וּפָשׁוּט, מַאי? הֵילְכְתָא גְּמִירִין לָהּ – וְהֵילְכָךְ לָא בָּעֵי גַּלּוּחֵי לְפוּם מַאי דְּשָׁקֵיל. אוֹ דִילְמָא יְרוּשָּׁה הִיא, וְכִי הֵיכִי דְּשָׁקֵיל פִּי שְׁנַיִם – הָכִי מְגַלַּח?

Similarly, **Rava raised a dilemma:** If one has two nazirite sons, **a firstborn and a regular** son,[H] **what is** the *halakha*? Does one say that **we learned it** as a ***halakha*** that a son may shave using money left for his father's naziriteship, and this ruling is unconnected to inheritance, **and therefore he does not need to shave** only **in accordance with what he receives** as an inheritance? Instead, either each son receives half the money, or whoever precedes the other receives the entire sum. **Or perhaps it is an inheritance, and just as** the firstborn **takes a double portion** of the estate, **so too he shaves** with a double portion of this money?

וְאִם תִּימְצֵי לוֹמַר יְרוּשָּׁה הִיא, וּלְפוּם דְּשָׁקֵיל מְגַלַּח, וּבְחוּלִּין הוּא דְּאִית לֵיהּ פִּי שְׁנַיִם, אֲבָל בְּהֶקְדֵּשׁ לָא. אוֹ דִילְמָא כֵּיוָן דְּקָנֵי לֵיהּ לְגַלּוּחַ – לָא שְׁנָא?

And if you say it is an inheritance and he shaves in accordance with the portion **he receives, it is** still possible that it is only with regard **to non-sacred** matters **that** a firstborn **has**[N] **a double portion, but with regard to consecrated** property this *halakha* does **not** apply. **Or perhaps, since he acquires that** money, although he uses it **for** the purpose of **shaving** it **is no different,** i.e., it does not matter that the money is for a sacred matter.

אָבִיו נָזִיר עוֹלָם וְהוּא נָזִיר סְתָם, אָבִיו נָזִיר סְתָם וְהוּא נָזִיר עוֹלָם, מַאי? כִּי גְּמִירִין הֵילְכְתָא – בְּסְתָם נְזִירוּת, אוֹ דִילְמָא לָא שְׁנָא?

The Gemara raises another dilemma: If **his father** was **a permanent nazirite**[H] **and he was an unspecified nazirite,** or if **his father was an unspecified nazirite and he was a permanent nazirite, what is** the *halakha*? Can this son shave using money left for his father's naziriteship? Does one say that **when we learned the *halakha*** that a son can shave using money left for his father's naziriteship, this applies only **in** a case where they are both **unspecified nazirites, or perhaps** it **is no different,** and the same *halakha* applies even if their naziriteships are of two different kinds?

וְאִם תִּימְצֵי לוֹמַר הָכָא אִידִי וְאִידִי נְזִירוּת טָהֳרָה, בָּעֵי רַב אַשִׁי: אָבִיו נָזִיר טָמֵא וְהוּא נָזִיר טָהוֹר, אָבִיו נָזִיר טָהוֹר וְהוּא נָזִיר טָמֵא, מַאי? תֵּיקוּ.

And if you say: Here, both cases are at least similar in that they involve **ritually pure naziriteship,** and therefore the son can make use of his father's money, then **Rav Ashi raises** a different **dilemma:** If **his father** was **an impure nazirite**[H] **and he was a pure nazirite,** or if **his father was a pure nazirite and he was an impure nazirite, what** is the *halakha*? Can the son shave using money left for his father's naziriteship or not? No answer was found for any of these dilemmas, and the Gemara says that they **shall stand**[B] unresolved.

הדרן עלך מי שאמר

HALAKHA

Two nazirite sons – שְׁנֵי בָּנִים נְזִירִים: If a father died, leaving unallocated money for his naziriteship offerings, his sons divide the money between them, and each can shave with his share. In keeping with his general opinion, Rambam rules in accordance with the option accepted as the basis of the clause beginning with: If you say (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15).

A firstborn and a regular son – בְּכוֹר וּפָשׁוּט: If a father left behind unallocated money for his naziriteship, his firstborn son receives a double portion. Apparently, the Rambam maintains that Rava's unresolved question refers solely to consecrated property, whereas as far as the father's naziriteship is concerned, it is considered an inheritance (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:15 and *Kesef Mishne* there).

His father was a permanent nazirite, etc. – אָבִיו נָזִיר עוֹלָם וכו': If a father was a permanent nazirite and his son was a nazirite for a limited period, or vice versa, the son may use his father's unallocated money, in accordance with the opinion accepted as the basis of the clause beginning with: If you say (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:16).

His father was an impure nazirite – אָבִיו נָזִיר טָמֵא: If a father set aside money for the offerings of his impure naziriteship and died, his son cannot use them for his offerings of purity. Similarly, he cannot use money for pure offerings for his own naziriteship of impurity. Since this question was left unresolved by the Gemara, it is considered an uncertain case, and therefore the son does not fulfill his obligation if he uses the money in this manner (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:17).

NOTES

It is with regard to non-sacred matters that he has – וּבְחוּלִּין הוּא דְּאִית לֵיהּ: According to the Commentary on *Nazir*, the Gemara is asking whether this *halakha* was stated concerning only consecrated money or concerning even fully consecrated items. For example, does a firstborn receive a double portion of sacrificial meat? Alternatively, the suggestion is that there is a difference between a father who uses an expression of consecration, such as: These are for the offerings of my naziriteship, and one who states: These are for my naziriteship. The second expression merely indicates the separation of money for this purpose rather than a full consecration (*Tosafot*; Rabbeinu Peretz). According to this explanation, this question is unrelated to the previous one, as it also applies to two sons who had an equal share in the inheritance. Others contend that this is a follow-up question to the earlier dilemma with regard to a firstborn and a regular son: Perhaps the advantage that a firstborn receives applies only to the inheritance of non-sacred items, as sacred objects are not included in the category of "All that he has" (Deuteronomy 21:17). This issue has ramifications for any case of a father who leaves behind consecrated items: Do all the sons divide the items equally between them or does the firstborn receive an extra share (see Rosh; *Shita Mekubbetzet*)?

BACKGROUND

Shall stand [*teiku*] – תֵּיקוּ: Various explanations have been suggested for the etymology of this term. One suggestion is that the word is an abbreviated version of *tikom*, let it stand. Another is that its source is *tik*, a case or pouch, whose contents are unknown. Likewise, the resolution of this matter is unknown as though it were hidden inside a case (*Arukh*). Although not the literal meaning, some raise the suggestion that the term alludes to a Hebrew acrostic: *Tishbi yetaretz kushyot ve'abayyot*: the Tishbite, i.e., Elijah the Prophet, will resolve questions and dilemmas (*Tosefot Yom Tov*).

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Summary of **Perek IV**

The conclusion reached in this chapter is that one may take a vow by associating himself with the naziriteship of another. The exact language used by the second speaker determines his obligation in the event that the initial vow is nullified by a woman's father or husband, or uprooted altogether by an act of dissolution performed by a halakhic authority. In this chapter it was also stated that a father or husband is entitled to nullify the vow of his daughter or wife at any point during her term, but not once she begins to bring her sacrificial animals.

There is a difference between a case in which one states that certain animals or sums of money should serve as specific offerings and a case where no such specification is made. In the first situation an individual declares which animals should be the sin-offering, burnt-offering, guilt-offering, and peace-offering, or which sum of money should pay for each offering. In the second scenario the nazirite merely sets aside animals or the equivalent sums without specifying how they are to be used. The Gemara considers what happens in these cases if the naziriteship vow is canceled, e.g., it is nullified by a woman's husband, or the individual dies. The basic *halakha* is that each animal is treated differently when its use was determined beforehand, but other principles govern situations where no specifications were made. These rulings also apply when a nazirite wishes to use the animals his nazirite father set aside before dying. Despite the fact that in general one cannot achieve atonement with an animal designated for another person, a unique *halakha* permits this in the case of a nazirite who inherits animals from his father.

Another *halakha* of naziriteship concerns the power of a father to declare his son a nazirite. This option exists until the son reaches the age of maturity, and it is available only for a father and with the son's acquiescence. The vow does not take effect if the son rejects the naziriteship, either on his own accord or at the behest of his relatives. Animals set aside as offerings for a son's naziriteship are sacrificed if he completes the term, or are treated like the offerings of a nazirite who dies if the vow is not observed.

The chapter strays somewhat from its main topics to consider the case of a woman who does not observe her naziriteship properly. If a wife violates her naziriteship, unaware that her husband has in fact nullified it, she incurs lashes for rebelliousness by rabbinic law. This *halakha* shows that one's intentions are significant beyond the strict observance of the *halakha*. God holds an individual accountable if he attempts to sin, even if his attempt at transgression actually fails. Conversely, one is credited for trying to perform a mitzva even when his behavior is flawed in some way.

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Introduction to **Perek V**

Speak to the children of Israel, and say to them: When either man or woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord.

(Numbers 6:2)

Speak to the children of Israel, and say to them: When a man shall clearly utter a vow of persons to the Lord, according to your evaluation.

(Leviticus 27:2)

And all the tithe of the herd or the flock, whatever passes under the rod, the tenth shall be sacred to the Lord.

(Leviticus 27:32)

This chapter will address several issues which all stem from the same basic problem: Does a consecration founded on error or uncertainty take effect?

The consecration of an item is considered not merely a promise, but a legal act in and of itself. Therefore, a consecration of an item to the Temple treasury is legally equivalent to transferring ownership of that item to another person. For this reason it can be argued that even if uttered in error, an act of consecration is binding. The same would be the case with regard to a vow of naziriteship or a vow of prohibition, as the phrase "to the Lord" is used in the Torah with regard to both of these. An error may occur if the individual was mistaken about the circumstances, or if he supposed that events in the future would unfold differently. Similarly, one might link his declaration to facts that cannot be verified.

Conversely, it is possible that the act of consecration depends on one's intention, and one's statement is merely a verbal confirmation of one's inner intention. The resolution of this dilemma has important ramifications: The dissolution of vows is based on the ability of a halakhic authority to detect a discrepancy between one's thoughts and his statements. Can a halakhic authority dissolve a vow of consecration by identifying extenuating circumstances or regret on the part of the individual who took the vow?

Although a vow of naziriteship is apparently just another type of vow, it is also similar to a consecration, as a nazirite is obligated to set aside offerings for the completion of his term.

A related topic which will be addressed in this chapter is whether a conditional vow results in an obligation with regard to situations where the stipulation was possibly unfulfilled.

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מתני׳ בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ טָעוּת – הֶקְדֵּשׁ,

MISHNA

Beit Shammai say: Consecration that one performs in **error** nevertheless renders property **consecrated,**

וּבֵית הִלֵּל אוֹמְרִים: אֵין הֶקְדֵּשׁ. כֵּיצַד? אָמַר ״שׁוֹר שָׁחוֹר שֶׁיֵּצֵא מִבֵּיתִי רִאשׁוֹן הֲרֵי הוּא הֶקְדֵּשׁ״ וְיָצָא לָבָן, בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ הֶקְדֵּשׁ. ״דִּינַר זָהָב שֶׁיַּעֲלֶה בְּיָדִי רִאשׁוֹן הֲרֵי הוּא הֶקְדֵּשׁ״ וְעָלָה שֶׁל כֶּסֶף, בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ הֶקְדֵּשׁ. ״חָבִית שֶׁל יַיִן שֶׁתַּעֲלֶה בְּיָדִי רִאשׁוֹנָה הֲרֵי הִיא הֶקְדֵּשׁ״ וְעָלְתָה שֶׁל שֶׁמֶן, בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ הֶקְדֵּשׁ.

and Beit Hillel[P] **say** it is **not consecrated.**[H] **How so;** what is considered an act of erroneous consecration? If one **said: A black bull that will emerge from my house first is consecrated, and a white** bull **emerged** first, **Beit Shammai say** it is **consecrated**[N] **and Beit Hillel say** it is **not consecrated.** Similarly, if one said: **A gold dinar that will come up first in my hand is consecrated, and** when he reached into his pocket a dinar **of silver came up, Beit Shammai say** it is **consecrated and Beit Hillel say** it is **not consecrated.** Likewise, if one said: **A barrel of wine that will come up first in my hand** when I enter the cellar **is consecrated, and** a barrel **of oil came up** in his hand instead, **Beit Shammai say** it is **consecrated and Beit Hillel say** it is **not consecrated.**

גמ׳ ״בֵּית שַׁמַּאי אוֹמְרִים הֶקְדֵּשׁ״ כּוּ׳. מַאי טַעֲמַיְיהוּ דְּבֵית שַׁמַּאי – דְּיָלְפִינַן תְּחִלַּת הֶקְדֵּשׁ מִסּוֹף הֶקְדֵּשׁ; מָה תְּמוּרָה – אֲפִילּוּ בְּטָעוּת, אַף הֶקְדֵּשׁ – אֲפִילּוּ בְּטָעוּת.

GEMARA

The mishna taught that **Beit Shammai say** that **consecration** performed in error renders property consecrated, and Beit Hillel say it is not consecrated. The Gemara analyzes their dispute: **What is the reason of Beit Shammai?** They maintain **that we derive** the *halakha* of **the initial** stage **of consecration from the final** stage **of consecration.** The final stage of consecration is referring to substitution, when one attempts to substitute a non-consecrated animal for a consecrated one. **Just as** an act of **substitution** takes effect **even in error,**[H] i.e., if one meant to say that his black bull should be a substitute for his consecrated animal and he actually said: This white bull, the white bull is rendered consecrated, **so too,** the initial stage of **consecration** takes effect **even** when done **in error.**

וּבֵית הִלֵּל אוֹמְרִים: הָנֵי מִילֵּי – תְּמוּרָה, אֲבָל אֲחוּתֵי הֶקְדֵּשׁ בְּטָעוּת – לָא מַחְתִּינַן.

And Beit Hillel say: This matter, i.e., the *halakha* that consecration takes effect even when done in error, applies only to **substitution,** where there is an animal that is already fully consecrated. **However, we do not have** the initial status of **consecration descend** upon an item **in error.**

HALAKHA

Consecration that one performs in error…is not consecrated – הֶקְדֵּשׁ טָעוּת...אֵין הֶקְדֵּשׁ: Any property which is consecrated in error is not considered consecrated. For example, if one said: A black bull that will emerge from my house first is consecrated, and a white one emerged first, it is not consecrated. Similarly, if one said: A gold dinar that will come up in my hand first is consecrated, and he drew out a silver one, it is not consecrated, in accordance with the opinion of Beit Hillel (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 6:34; *Shulḥan Arukh*, *Yoreh De'a* 258:2, in the comment of Rema).

Substitution takes effect even in error – תְּמוּרָה אֲפִילּוּ בְּטָעוּת: If one substitutes an animal for an offering his action takes effect in that the animal becomes consecrated and he is liable to receive lashes. This is the *halakha* even if he erred in his statement, e.g., if he intended to say: This is the substitute of a burnt-offering, and he said: This is the substitute of a peace-offering (Rambam *Sefer Korbanot*, *Hilkhot Temura* 1:2).

NOTES

And a white bull emerged…consecrated – ...וְיָצָא לָבָן הֶקְדֵּשׁ: There are two explanations for Beit Shammai's opinion, as cited in the Commentary on *Nazir* and *Tosafot*. According to one interpretation, the meaning is straightforward: Although the individual specified a black bull and a white one emerged, the white bull is consecrated. Likewise, if he spoke of a gold coin and he picked up a silver one, the silver coin is consecrated. Similarly, the barrel of oil is consecrated despite his mention of wine. The idea is that he intended to consecrate the first item to emerge or be picked up, and he merely anticipated that the black bull, gold coin, or barrel of wine would be first. Alternatively, the first black bull to emerge is consecrated, even if it emerges after a white one. The same applies with regard to coins and barrels (Rabbi Avraham min HaHar).

PERSONALITIES

Beit Shammai and Beit Hillel – בֵּית שַׁמַּאי וּבֵית הִלֵּל: These titles refer to the schools of thought carried on by the disciples of Hillel the Elder and Shammai the Elder. Although there are only three recorded matters of dispute between Hillel and Shammai themselves, their students were relentless adversaries who served together in the Sanhedrin at the end of the Second Temple period and after its destruction. Their students were known to differ in many areas of *halakha*. With regard to the disagreements of these two houses, a mishna states (*Avot* 5:20): Any controversy waged for the sake of Heaven shall ultimately be of lasting worth, but any that is not waged for the sake of Heaven shall ultimately lead to no permanent result. Which controversy serves as an example of one waged in the service of Heaven? The controversy of Hillel and Shammai. And which was not for the sake Heaven? The controversy of Korah and his companions.

Generally speaking, the disciples of Hillel and Shammai mirrored the personalities of their respective teachers: The open and tolerant Hillel, and the harsh, severe Shammai, although there are exceptions to this rule. A list of the cases in which the disciples of Shammai were more lenient than the disciples of Hillel appears in tractate *Eduyyot*. In almost all disputes between the two schools, the *halakha* is in accordance with the opinion of Beit Hillel.

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וּלְבֵית שַׁמַּאי, מָה אִילּוּ אָמַר ״הֲרֵי זֶה תַּחַת זֶה לַחֲצִי הַיּוֹם״ מִי הָוְיָא תְּמוּרָה מֵהַהִיא שַׁעְתָּא? אֶלָּא, עַד דְּמָטֵי חֲצִי הַיּוֹם הוּא דְּהָוְיָא תְּמוּרָה. הָכִי נַמִּי, לְכִי מִיגְּלֵי מִילְּתָא!

The Gemara asks: **And according to** the opinion of **Beit Shammai,** who derive the *halakha* of the initial stage of consecration from substitution, **just as if one said,** at the start of the day: **This** animal **is** a substitute **in exchange for this** animal **in the middle of the day, would it become a substitute from that time** when he issued the statement, in opposition to his explicit statement? It would not. **Rather,** Beit Shammai certainly concede that the animal does not become a consecrated as a substitute **until the middle of the day arrives,** at which point **it becomes a substitution. So too,** in the case of the mishna, the consecration should take effect **when the situation is revealed** to be in accordance with his statement, i.e., only if a black bull emerges first. Only then should the animal be rendered consecrated, but not if a white bull emerges first. Why do Beit Shammai hold that in the case of the mishna the consecration takes effect in opposition to his explicit statement.

אָמַר רַב פַּפָּא: לְכָךְ נֶאֱמַר רִאשׁוֹן – לִכְשֶׁיֵּצֵא רִאשׁוֹן.

Rav Pappa said: Beit Shammai concede that consecration does not take effect in opposition to one's explicit statement. Rather, they maintain that it is **for this** reason that the man **states:** The black bull that will emerge from my house **first,**[N] as he means the following: **When** the **first** black bull of all the black bulls I possess **will emerge** from my house, it will be consecrated. When Beit Shammai ruled that the bull is consecrated, they were referring to the first black bull that emerged, even if it was not the first bull that emerged, as a white bull preceded it.

וְהָא ״שׁוֹר שָׁחוֹר״ קָאָמַר, מִי לָא עָסְקִינַן דְּלֵית לֵיהּ אֶלָּא הַאי? לָא צְרִיכָא, דְּאִית לֵיהּ תְּרֵין תְּלָתָא. וּבֵית הִלֵּל אוֹמְרִים: אִם כֵּן ״שֶׁיֵּצֵא בָּרִאשׁוֹן״ מִיבָּעֵי לֵיהּ.

The Gemara asks: **But he said: Black bull,**[N] and **are we not dealing** even with a case **where he only has this** one black bull? If so, the Gemara's initial interpretation of his statement is correct: The black bull is consecrated only if it is the first to emerge, but not if a white bull precedes it. The Gemara answers: **No;** it is **necessary** to state this *halakha* with regard to a case **where he has two** or **three**[N] black bulls. **And Beit Hillel say: If so,** i.e., if he intended to consecrate the first of his black bulls to emerge from the house, **he should have** said: The **first** black bull **that will emerge** from my house. Since he did not say this, he must have meant that the black bull should be consecrated only if it is the first bull of any kind to emerge.

אֲמַר לֵיהּ רָבָא מִבִּרְנִישׁ לְרַב אַשִׁי: הַאי הֶקְדֵּשׁ בְּטָעוּת הוּא? הֶקְדֵּשׁ בְּכַוָּונָה הוּא! מְשׁוּם דְּאַטְעֵייהּ לְדִיבּוּרֵיהּ קָמָא.

Rava from Barnish said to Rav Ashi, with regard to the explanation of Rav Pappa: Is **this** case he mentioned one of **erroneous consecration? It is intentional consecration.** According to the interpretation of Rav Pappa, there is no error. He intended to consecrate the first black bull that emerged, and that is what was consecrated. The Gemara answers: Nevertheless, it is called an erroneous consecration **because he erred in his first statement.** His statement of consecration gave the mistaken impression that he desired to consecrate the first bull that emerges, even if it is white.

וְסָבְרִי בֵּית שַׁמַּאי הֶקְדֵּשׁ בְּטָעוּת לָא הָוֵי הֶקְדֵּשׁ? וְהָתְנַן: מִי שֶׁנָּדַר בְּנָזִיר וְנִשְׁאַל לַחֲכָמִים וְהִתִּירוּ, וְהָיְתָה לוֹ בְּהֵמָה מוּפְרֶשֶׁת – תֵּצֵא וְתִרְעֶה בָּעֵדֶר.

In any case, Rav Pappa indicates that even Beit Shammai hold that an erroneous act of consecration does not take effect. The Gemara questions this assumption: **And** do **Beit Shammai hold** that an indisputably **erroneous** act of **consecration is not** considered an act of **consecration? But didn't we learn** in the mishna (31b): With regard to **one who took a vow of naziriteship and** later **made a request to the halakhic authorities** to dissolve his vow, **and they dissolved** his vow, **and he had** already **separated an animal** for one of his nazirite offerings beforehand, **it shall go out and graze among the flock,** like any other non-sacred animal.

אָמְרוּ בֵּית הִלֵּל לְבֵית שַׁמַּאי: אִי אַתֶּם מוֹדִים שֶׁהֶקְדֵּשׁ בְּטָעוּת הוּא, וְתֵצֵא וְתִרְעֶה בָּעֵדֶר? מִכְּלָל דְּסָבְרִי בֵּית שַׁמַּאי הֶקְדֵּשׁ בְּטָעוּת הָוֵי הֶקְדֵּשׁ.

The mishna continues: **Beit Hillel said to Beit Shammai: Don't you concede that** the reason for this ruling is because **it is an erroneous** act of **consecration, and** that a consecration of this kind does not take effect, and that is the reason **it shall go out and graze among** the **flock?** The same *halakha* should apply to all erroneous acts of consecration. One can learn from here **by inference that Beit Shammai hold** that an entirely **erroneous** act of **consecration is** considered **consecration,** as is evident from Beit Hillel's question.

NOTES

For this reason he states first – לְכָךְ נֶאֱמַר רִאשׁוֹן: Some commentaries explain Rav Pappa's statement as follows: This case does not in fact involve the unintentional application of consecration. Rather, the one who stated the vow of consecration initially meant to consecrate the first black bull to emerge, whether or not it was preceded by a white one (*Tosafot*). According to the earlier explanation of the mishna, Rav Pappa disputes the initial understanding of the opinion of Beit Shammai, as he maintains that the white bull is not consecrated. Others contend that Rav Pappa maintains that the white bull is consecrated, as the term: First, refers to any bull that exits first. This individual specified a black bull merely because he thought a black one would emerge first (Commentary on *Nazir*). In any case, Rav Pappa apparently maintains that Beit Shammai do not derive their ruling from the case of substitution.

But he said, black bull – וְהָא שׁוֹר שָׁחוֹר קָאָמַר: As the case of the mishna discusses one who owned only a single black bull, the previous interpretation, that he is referring to the first of all his black bulls, cannot be correct. According to the explanation of Rabbi Avraham min HaHar, the Gemara is arguing the reverse: The fact that he specified the first black bull indicates that he owns several bulls of this kind, and he did not have a white one in mind at all. Rather, he was referring to the first of his black bulls to emerge. According to this explanation, the text of the Gemara must be emended, so that it reads: Are we not dealing with one who has two or three black bulls?

Where he has two or three – דְּאִית לֵיהּ תְּרֵין תְּלָתָא: If the individual owns several black bulls, it is therefore understood that he was referring to the first of his black bulls to emerge from the house. According to the explanation of Rabbi Avraham min HaHar, the text of the Gemara should be emended to read: Where he has only one black bull, and therefore he intended to consecrate the first bull to emerge, regardless of its color.

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אֶלָּא, בֵּית הִלֵּל הוּא דְּקָא טָעוּ. סָבְרִי טַעֲמַיְיהוּ דְּבֵית שַׁמַּאי מִשּׁוּם דְּהֶקְדֵּשׁ בְּטָעוּת הֲוֵי הֶקְדֵּשׁ, וְאָמְרִי לְהוֹן בֵּית שַׁמַּאי: לָאו מִשּׁוּם הֶקְדֵּשׁ בְּטָעוּת הוּא, אֶלָּא מִשּׁוּם דְּאַטְעֵייהּ לְדִיבּוּרֵיהּ קַמָּא.

The Gemara answers: This is not the case; **rather, it is Beit Hillel who erred** in their understanding. **They thought** that **Beit Shammai's reasoning** was **because an erroneous** act of **consecration is** considered **consecration,** and therefore they raised a difficulty with regard to the case of a nazirite. **And Beit Shammai said to them:** Our reasoning in the case of the black bull is **not because** it is **an erroneous** act of **consecration. Rather,** it is merely called an erroneous consecration **because he erred in his first statement,** as he actually meant to consecrate the first of his black bulls to emerge from his house.

וְסָבְרִי בֵּית שַׁמַּאי הֶקְדֵּשׁ בְּטָעוּת לָא הֲוֵי הֶקְדֵּשׁ? תָּא שְׁמַע: הָיוּ מְהַלְּכִין בַּדֶּרֶךְ,

The Gemara continues to ask: **And** do **Beit Shammai hold** that an indisputably **erroneous** act of **consecration is not** considered **consecration? Come** and **hear** proof from the mishna (32b) that they maintain that an erroneously consecrated item is considered consecrated: If there **were** several people **walking along the way,**

Perek **V**
Daf **31** Amud **b**

וְאֶחָד בָּא כְּנֶגְדָּן, וְאָמַר אֶחָד ״הֲרֵינִי נָזִיר שֶׁזֶּה פִּלּוֹנִי״, וְאֶחָד אָמַר ״הֲרֵינִי נָזִיר שֶׁאֵין זֶה פִּלּוֹנִי״, ״הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר״, ״שֶׁאֵין אֶחָד מִכֶּם נָזִיר״, ״שֶׁשְּׁנֵיכֶם נְזִירִים״, ״שֶׁכּוּלְּכֶם נְזִירִים״, בֵּית שַׁמַּאי אוֹמְרִים: כּוּלָּם נְזִירִים.

and one other person was **approaching them, and one** of those walking **said: I am hereby a nazirite if this** person coming toward us **is so-and-so. And** another **one** of them **said: I am hereby a nazirite if this is not so-and-so,** while a third member of the group said: **I am hereby a nazirite if one of you** two **is a nazirite,** and a fourth said: I am hereby a nazirite **if neither of you is a nazirite,** and another added: I am hereby a nazirite **if both of you are nazirites.** Finally, the last person said: I am hereby a nazirite **if all you** who spoke before me **are nazirites. Beit Shammai say** that **they are all nazirites,** as by saying: I am hereby a nazirite, they have accepted naziriteship upon themselves even if their statement turns out to be incorrect.

וְהָא הָכָא, הֶקְדֵּשׁ בְּטָעוּת הוּא, וְקָתָנֵי: כּוּלָּם נְזִירִים! אָמְרִי: סָבְרִי בֵּית שַׁמַּאי הֶקְדֵּשׁ בְּטָעוּת הֲוֵי הֶקְדֵּשׁ, הָכָא לָא.

The Gemara analyzes this mishna: **But here, it is** clearly a case of **an erroneous** act of **consecration,** as the statements of some of these individuals must have been incorrect, **and** yet the mishna **teaches** that Beit Shammai maintain that **they are all nazirites.** The Sages **say** in response: In fact, in general **Beit Shammai hold** that **an erroneous** act of **consecration is** considered **consecration,** as is evident from this *halakha* involving nazirites. However, the particular mishna **here,** concerning black and white bulls, is **not**[N] based on that *halakha*. Rather, Rav Pappa's explanation is the correct one.

אַבַּיֵי אָמַר: לָא קָא סָלְקָא דַּעְתָּךְ דְּקָאֵים בְּצַפְרָא, אֶלָּא הָכָא בְּמַאי עָסְקִינַן – דְּקָאֵים בְּטִיהֲרָא, וְאָמַר: שׁוֹר שָׁחוֹר שֶׁיָּצָא מִבֵּיתִי רִאשׁוֹן – לִיהֱוֵי הֶקְדֵּשׁ. וַאֲמָרוּ לֵיהּ: לָבָן נָפַק. וַאֲמַר לְהוֹן: אִי הֲוָה יָדַעְנָא דְּלָבָן נָפַק – לָא אֲמַרִי שָׁחוֹר.

Abaye said a different explanation of the mishna: It should **not enter your mind** that the mishna is dealing with one **who was standing in the morning** and referred to a future event, i.e., that an animal will emerge from the house. **Rather, with what are we dealing here?** With one **who is standing at noon,**[N] after the bulls had already left the house, **and said:** The **black bull that emerged first from my house first shall be consecrated. And** people **said to him: A white** bull **emerged** first. **And he said to them: Had I known** that **a white** bull **emerged, I would not** have **said black.** Therefore, the consecration was erroneous.

וּמִי מָצֵית אָמְרַתְּ דְּקָאֵים בְּטִיהֲרָא עָסִיק? וְהָקָתָנֵי: ״דִּינָר שֶׁל זָהָב שֶׁיַּעֲלֶה״! תְּנֵי ״שֶׁעָלָה״. ״חָבִית שֶׁל יַיִן שֶׁתַּעֲלֶה״! תְּנֵי ״שֶׁעָלְתָה״.

The Gemara asks: **How can you say** that the mishna **deals** with one **who is standing at noon** and is speaking of a past event? **But** in a subsequent example the mishna **teaches: A gold dinar that will come up** in my hand first shall be consecrated, which is clearly referring to a future event. The Gemara answers: You should emend the mishna and **teach:** A gold dinar **that came up,** in the past tense. The Gemara continues to ask: Didn't the mishna state: **A barrel of wine that will come up** in my hand first shall be consecrated, which is also referring to the future tense. The Gemara similarly answers that one should **teach** in the mishna: A barrel **that** already **came up.**

NOTES

Here not – הָכָא לָא: Beit Shammai maintain that an erroneous act of consecration is considered consecration; however, this cannot be proven from this mishna, which is properly explained in accordance with the explanation of Rav Pappa (Commentary on *Nazir*). Alternatively, the Gemara intends to draw a distinction between the case of the mishna and the case of the nazirites. In the case of the mishna, where the one taking the vow of consecration specified a black bull, Beit Shammai may maintain that the white bull does not become consecrated, as that would be in contradistinction to his explicit statement. By contrast, in the case of the people walking along their way, each of them thought he was correct in his statement, and intended to accept naziriteship accordingly. In this type of case, even if one of them was found to have been in error, Beit Shammai maintain that this act of erroneous consecration, i.e., acceptance of naziriteship, does take effect.

With what are we dealing here, with one who is standing at noon – הָכָא בְּמַאי עָסְקִינַן דְּקָאֵים בְּטִיהֲרָא: The early commentaries ask: If the case involves one who claims to have made an error, why is it necessary to emend the mishna so that it refers to the past rather than the future? One can simply say that the mishna is dealing with a person who in the morning said that the black bull that will emerge is consecrated, and afterward explains that he merely assumed that the black bull would emerge first. The answer is that since he had no way of knowing which bull would emerge first when he took the vow, his mention of a black bull demonstrates his intention, and therefore he cannot revise his statement after the fact. As he has no way of predicting future events, he must have meant a black bull, not a white one (*Tosafot*; see Commentary on *Nazir*).

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§ The Gemara quotes a statement related to the case in the mishna with regard to black and white bulls. **Rav Ḥisda said: A black** bull **among white ones** is **deficient,** as white bulls are superior in quality, and **a white** patch **on a black** bull is **a deficiency.**[B] Having stated these assessments, the Gemara returns to discuss the mishna. **We learned** in the mishna that if one said: The **black** bull **that will emerge from my house first is consecrated,** and a white one emerged. **It entered our minds** to assume that **when** one **consecrates**[N] property to the Temple treasury **he consecrates sparingly,** i.e., he does not give his property that is superior in quality or value, unless he expressly says so. **And** yet **Beit Shammai say** that the white bull in this case **is consecrated,** which indicates that the white one is inferior in quality, which contradicts the statement of Rav Ḥisda.

אָמַר רַב חִסְדָּא: אוּכְמָא בְּחִיוָּרָא – לַקְיָא. חִיוָּרָא בְּאוּכְמָא – לַקְיָא. תְּנַן: ״שֶׁחוֹר שֶׁיֵּצֵא מִבֵּיתִי רִאשׁוֹן הֶקְדֵּשׁ״. קָא סָלְקָא דַּעְתִּין: כִּי מַקְדִּישׁ – בְּעַיִן רָעָה מַקְדִּישׁ, וְאָמְרִי בֵּית שַׁמַּאי: הֶוֵי הֶקְדֵּשׁ!

וְאֶלָּא מַאי – בְּעַיִן יָפָה מַקְדִּישׁ? ״דִּינָר שֶׁל זָהָב שֶׁיַּעֲלֶה בְּיָדִי רִאשׁוֹן״ וְעָלָה כֶּסֶף, בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ!

The Gemara examines this assumption: **Rather, what then?** Will you say that according to the opinion of Beit Shammai one typically **consecrates generously**[H] and donates his property that is superior? However, the continuation of the mishna states that if one said: The **gold dinar that will come up in my hand first, and a silver one came up, Beit Shammai say it is consecrated.** If Beit Shammai hold that one would have in mind to consecrate only the superior property, why would the inferior silver coin be consecrated?

וְאֶלָּא מַאי – בְּעַיִן רָעָה מַקְדִּישׁ? ״חָבִית שֶׁל יַיִן שֶׁתַּעֲלֶה בְּיָדִי רִאשׁוֹן״ וְעָלָה שֶׁל שֶׁמֶן, בֵּית שַׁמַּאי אוֹמְרִים: הֶקְדֵּשׁ. וְהָא שֶׁמֶן עָדִיף מֵיַּין! אִי מִשּׁוּם הָא לָא קַשְׁיָא, בְּגָלִילָא שָׁנוּ, דְּחַמְרָא עָדִיף מִמִּשְׁחָא.

The Gemara counters: **Rather, what then?** Does a person **consecrate sparingly?** Yet the subsequent example of the mishna states that if one said: **A barrel of wine that will come up in my hand first, and one of oil came up, Beit Shammai say** it is **consecrated. But oil is preferable to wine,** so why is the oil consecrated? The Gemara answers: **If** the problem is **due to that, this** is **not difficult,** as this mishna **was taught in the Galilee, where wine is preferable to oil.** Olive trees are plentiful in the Galilee, and therefore oil is cheaper than wine. Therefore, the entire mishna can be explained in accordance with the opinion that people consecrate sparingly.

רֵישָׁא קַשְׁיָא לְרַב חִסְדָּא. אָמַר לָךְ רַב חִסְדָּא: כִּי אֲמַרִי – בְּתוֹרָא דְּקַרְמָנְאֵי.

The Gemara comments: In any case, **the first clause** of the mishna poses **a difficulty to** the opinion of **Rav Ḥisda,** as it indicates that a white bull is less valuable than a black one. The Gemara answers that **Rav Ḥisda** could have **said to you: When I said** that a white one is superior, I was referring only **to a Karmanian**[B] **bull,** a type of bull in which the white animals are superior in quality to the black ones. In all other cases black bulls considered superior, and the mishna was referring to standard bulls.

וְאָמַר רַב חִסְדָּא: אוּכְמָא – לְמַשְׁכֵּיהּ, סוּמְקָא – לְבִשְׂרֵיהּ, חִיוָּרָא – לְרִדְיָא. וְהָאֲמַר רַב חִסְדָּא: אוּכְמָא בְּחִיוָּרָא לַקְיָא. כִּי אֲמַרִי בְּתוֹרָא דְּקַרְמָנְאֵי.

The Gemara quotes another statement with regard to bulls: **And Rav Ḥisda said** with regard to bulls: **A black** bull is good **for its hide; a red one** is good **for its meat;** while **a white** bull is good **for plowing.**[B] The Gemara asks: **But didn't Rav Ḥisda say: A black** bull **among white ones** is **deficient,** which indicates that a black one is inferior in all regards? The Gemara again answers that Rav Ḥisda could reply: **When I said** that, I was referring only **to a Karmanian bull,** but not to other bulls.

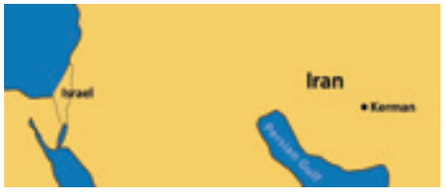
מתני׳ מִי שֶׁנָּדַר בְּנָזִיר, וְנִשְׁאַל לֶחָכָם וַאֲסָרוֹ – מוֹנֶה מִשָּׁעָה שֶׁנָּדַר. נִשְׁאַל לֶחָכָם וְהִתִּירוֹ, הָיְתָה לוֹ בְּהֵמָה מוּפְרֶשֶׁת – תֵּצֵא וְתִרְעֶה בָּעֵדֶר.

MISHNA With regard to **one who took a vow of naziriteship,** who then regretted his vow and stopped observing the prohibition against drinking wine, **and** later **requested of a halakhic authority** to dissolve his vow, **and** the authority **ruled** that **he is bound** by his vow,[H] finding no reason to dissolve it, he **counts** the term of naziriteship **from the time that he vowed,** including the days when he acted as though the vow were dissolved. In a case where **he requested of a halakhic authority** to dissolve his vow **and** the authority **dissolved it,** if **he had an animal separated**[H] as a nazirite offering **it shall go out and graze among** the **flock.**

BACKGROUND

A white patch on a black bull is a deficiency – חִיוָּרָא בְּאוּכְמָא לַקְיָא: If there is a breed of bull whose skin color is entirely black, a white spot on its skin is not the product of mixed breeding, but rather, is the result of a blemish. It is possible that a wound on that spot caused the roots of the hair to lose their natural pigment. Although the wound did not leave any other marks on the bull, nevertheless it can be assumed that there is a defect in the flesh beneath the white patch.

Karmanian – קַרְמָנְאֵי: This term apparently refers to a Persian province that was once known as Carmania and is now referred to as the Kerman Province. Its capital is the city of Kerman. This province is found in western Iran, just south of Kurdistan. For many generations it was an important agricultural center which exported fruits and vegetables to the rest of the country.



Kerman Province

Black, red, white – אוּכְמָא, סוּמְקָא, חִיוָּרָא: It can be inferred from the Gemara that this does not refer to a single breed of bull comprised of animals of various colors. Rather, it is speaking of different breeds, each of which has a distinct color, as certain types of spotted cattle and other breeds have only one color. This helps clarify the Gemara's claim that a particular breed of bull is better for plowing, due to its strength and temperament, whereas another kind has finer skin. It is noteworthy that the black bull is described elsewhere in the Talmud as a highly dangerous animal.

NOTES

When one consecrates – כִּי מַקְדִּישׁ: Whenever one consecrates an item to the Temple by means of a vague formulation, his words are interpreted in a limited, restricted manner. Consequently, one who mentions a bull presumably has his most inferior quality bull in mind. In this case, the bull that emerged was of the superior white variety, and therefore it is assumed that this was not his initial intention (Commentary on *Nazir*). Even Beit Shammai agree that this kind of erroneous act of consecration is invalid, as he certainly did not intend to consecrate the animal in this manner (*Tosafot*).

HALAKHA

Consecrates generously – בְּעַיִן יָפָה מַקְדִּישׁ: If one consecrates a field full of trees to the Temple treasury, the trees themselves are also consecrated even if the individual did not say so explicitly, as it is presumed that one consecrates in a generous manner (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaḤaramim* 4:15).

One who took a vow of naziriteship, and requested of a halakhic authority to dissolve it, and the authority ruled that he is bound by his vow – מִי שֶׁנָּדַר בְּנָזִיר וְנִשְׁאַל לֶחָכָם וַאֲסָרוֹ: If one vows to be a nazirite and, under the impression that his vow is invalid, proceeds to drink wine, if he later requests of a halakhic authority to dissolve his vow, yet that one rules that the vow is in force, he counts the duration of his naziriteship from the time he took the vow. However, the Sages decreed that he must add additional days to his term to compensate for the days during which he neglected to observe the *halakhot* of naziriteship (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 4:13).

If he had an animal separated – הָיְתָה לוֹ בְּהֵמָה מוּפְרֶשֶׁת: If a nazirite set aside his offerings and later had his vow of naziriteship dissolved by a halakhic authority, the animals he separated are non-sacred and may rejoin the rest of his flock, as the consecration was in error (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:8).

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אָמְרוּ בֵּית הִלֵּל לְבֵית שַׁמַּאי: אִי אַתֶּם מוֹדִים בָּזֶה שֶׁהוּא הֶקְדֵּשׁ טָעוּת, שֶׁתֵּצֵא וְתִרְעֶה בָּעֵדֶר? אָמַר לָהֶן בֵּית שַׁמַּאי: אִי אַתֶּם מוֹדִים בְּמִי שֶׁטָּעָה, וְקָרָא לַתְּשִׁיעִי "עֲשִׂירִי", וְלָעֲשִׂירִי "תְּשִׁיעִי", וּלְאַחַד עָשָׂר "עֲשִׂירִי" – שֶׁהוּא מְקוּדָּשׁ?

On the basis of this *halakha*, and continuing their discussion in the previous mishna, **Beit Hillel said to Beit Shammai: Don't you concede with regard to this** case **that it is an erroneous** act of **consecration, and** yet the *halakha* is **that it shall go out and graze among** the **flock?** This shows that you too accept the principle that an erroneous act of consecration does not take effect. **Beit Shammai said to** Beit Hillel: **Don't you concede with regard to one** who was separating the animal tithe from his herd, i.e., passing his animals before him single file and consecrating every tenth one as a tithe, **that** if he **erred and called the ninth** animal: **Tenth;**[H] **and the tenth: Ninth; and the eleventh: Tenth, that** each of them **is consecrated?** This proves that an erroneous act of consecration does take effect.

אָמְרוּ לָהֶם בֵּית הִלֵּל: לֹא הַשֵּׁבֶט קִידְּשׁוֹ. וּמָה אֵילּוּ טָעָה וְהִנִּיחַ אֶת הַשֵּׁבֶט עַל שְׁמִינִי וְעַל שְׁנֵים עָשָׂר, שָׁמָּא עָשָׂה כְּלוּם? אֶלָּא כָּתוּב שֶׁקִּידֵּשׁ הָעֲשִׂירִי – הוּא קִידֵּשׁ הַתְּשִׁיעִי

Beit Hillel said to them: It is **not the rod** that **consecrates it.** The touch of the rod does not consecrate the animal, nor does the fact that he said: Tenth, by mistake. Not all errors cause the tithe to be consecrated, and the proof is as follows: **And what** would be the *halakha* **if he had erred and placed the rod on the eighth or on the twelfth,** and labeled them: Tenth? Can it be suggested that **perhaps he performed anything** of consequence? The *halakha* is that the eighth or twelfth animal cannot be consecrated as tithe. **Rather,** why is the ninth or eleventh animal consecrated? There is a specific reason for this *halakha*, as the same **verse that consecrated the tenth** also **consecrated the ninth**

HALAKHA

Called the ninth tenth – קָרָא לַתְּשִׁיעִי עֲשִׂירִי: If one was tithing his flock by releasing them from their pen one by one and erred in his counting, if he called the eighth in line or any lower number, or the twelfth in line or any higher number: Tenth, they are not consecrated. This is the *halakha* regardless if he did so unwittingly or intentionally. However, if he called the ninth or the eleventh: Tenth, they are consecrated. This is a *halakha* learned by tradition (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 8:1).

Perek **V**
Daf **32** Amud **a**

וְאֶת אַחַד עָשָׂר.

and the eleventh. It is a Torah edict that the consecration takes effect with regard to those two animals. Therefore, one cannot infer from this case that an erroneous act of consecration takes effect.

גמ׳ מַנִּי מַתְנִיתִין? לָא רַבִּי יוֹסֵי וְלָא רַבָּנַן.

GEMARA The Gemara asks: **Whose** opinion is expressed in **the mishna,** when it rules that one whose request to dissolve his vow was rejected by a halakhic authority counts the duration of his naziriteship from the moment he took the vow, including the days on which he did not observe the *halakhot* of naziriteship in practice? The Gemara responds: It is **neither** the opinion of **Rabbi Yosei, nor** that of **the Rabbis.**

דְּתַנְיָא: מִי שֶׁנָּדַר וְעָבַר עַל נְזִירוּתוֹ – אֵין נוֹזְקְקִין לוֹ אֶלָּא אִם כֵּן מוֹנֶה בָּהֶן אִיסּוּר כַּיָּמִים שֶׁנָּהַג בָּהֶם הֶיתֵּר. רַבִּי יוֹסֵי אוֹמֵר: דַּיּוֹ שְׁלֹשִׁים יוֹם.

As it is taught in a *baraita* (*Tosefta Nedarim* 1:6): With regard to **one who took a vow** of naziriteship **and** later **transgressed his** vow of **naziriteship**[H] by drinking wine, the halakhic authorities **do not attend to his** request to dissolve his vow, nor do they let him complete his term as a nazirite by sacrificing offerings, **unless he counted,** i.e., observed, days of the **prohibitions** of naziriteship **for the same** number of **days in which he behaved with permissiveness** concerning the restrictions of a nazirite. Only after he observes the prohibitions of naziriteship for the number of days that his observance lapsed will a halakhic authority hear his request for dissolution, or allow him to bring his offerings. **Rabbi Yosei says: Thirty days is enough for him.**[N] He is required to observe additional days of naziriteship only if he transgressed his vow of naziriteship for thirty days or more.

HALAKHA

One who took a vow and later transgressed his naziriteship – מִי שֶׁנָּדַר וְעָבַר עַל נְזִירוּתוֹ: If one took a vow of naziriteship, and for whatever reason thought the vow was not in effect, and as a result failed to observe the prohibitions of naziriteship, if he later requested of a halakhic authority to dissolve the vow and his vow was not dissolved, he counts the duration of his naziriteship from the time he took the vow. However, he must add days corresponding to the days he failed to observe naziriteship. For example, if he took a standard vow of naziriteship of thirty days, and then failed to observe the *halakhot* of a nazirite for ten of those days, he must keep an extra ten days. If he transgresses his vow of naziriteship during that ten-day period he is liable to receive lashes for rebelliousness from the Sages. This applies only to a short term of naziriteship.

If his naziriteship was lengthy, he is required to add only thirty days, as the *halakha* is in accordance with the opinion of Rabbi Yosei. The Rambam holds in accordance with Rabbi Yosei, as does the *Shulḥan Arukh* with regard to all other vows, with the exception of cases where this stringency might cause one to sin. By contrast, most early commentaries maintain that the *halakha* is in accordance with the opinion of Rabbi Yehuda, the *tanna* who disagrees with Rabbi Yosei (*Shakh*; Ra'avad; Rosh; Rabbeinu Yeruḥam). Consequently, this nazirite must make up the entire period he failed to observe, even if it amounts to more than thirty days. If he transgressed his vow and did not add to his term the number of days during which he violated his naziriteship, even if his naziriteship was lengthy the Sages penalize him by refusing to dissolve his vow until he completes the number of days of his initial vow (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 4:13–15; *Shulḥan Arukh*, *Yoreh De'a* 208:2–3).

NOTES

Thirty days is enough for him – דַּיּוֹ שְׁלֹשִׁים יוֹם: According to Rabbeinu Tam, cited by Rabbeinu Peretz, the decisive factor is whether he transgressed his vow for at least thirty days. If he transgressed his vow for less than this period, the Sages do not obligate him to observe the missing days; rather, it is enough for him to complete his term of naziriteship. This explanation fits in well with the discussion in the Gemara that follows Rabbi Yosei's statement.

By contrast, most commentaries explain that Rabbi Yosei is referring to the number of days the individual must add to his naziriteship. According to some commentaries, Rabbi Yosei maintains that he is always required to observe extra days of naziriteship to compensate for the period he failed to observe, but this amounts to no more than thirty days (*Tosafot*). Others contend that Rabbi Yosei merely requires him to observe thirty days of naziriteship in accordance with *halakha*. For example, if he vowed to be a nazirite for a period of eighty days and for fifty days acted as though the vow were dissolved, he does not have to add anything, as he still has thirty days of naziriteship remaining (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

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אִי רַבָּנַן – קַשְׁיָא נְזִירוּת מוּעֶטֶת, אִי רַבִּי יוֹסֵי – קַשְׁיָא נְזִירוּת מְרוּבָּה!

The Gemara elaborates: Which of these opinions might correspond to that of the mishna? **If** it is that of **the Rabbis,** it is **difficult** with respect to **a short naziriteship,** i.e., a standard term of naziriteship, which lasts for thirty days. The Rabbis maintain that he cannot include all the days from the time he took the vow even if his naziriteship was short. They hold that he must add days corresponding to the days that he failed to observe the *halakhot* required of a nazirite. **If** it is that of **Rabbi Yosei,** although he agrees that one who transgresses his vow of naziriteship for a short period of less than thirty days need not add to his term, it is nevertheless **difficult** with regard to **a lengthy naziriteship,** as even Rabbi Yosei rules that in such a case the individual must observe naziriteship for additional days.

אִיבָּעֵית תֵּימָא רַבִּי יוֹסֵי, וְאִיבָּעֵית תֵּימָא רַבָּנַן. אִיבָּעֵית תֵּימָא רַבִּי יוֹסֵי: כָּאן – בִּנְזִירוּת מְרוּבָּה, כָּאן – בִּנְזִירוּת מוּעֶטֶת.

The Gemara answers: **If you wish,** you can **say** that the mishna is in accordance with the opinion of **Rabbi Yosei, and if you wish,** you can **say** it is in accordance with the opinion of **the Rabbis.** The Gemara explains: **If you wish,** you can **say** that the mishna is in accordance with **Rabbi Yosei: Here,** the *baraita* is speaking **of a lengthy naziriteship; there,** the mishna is referring **to a short naziriteship.** In other words, the mishna refers only to one who transgresses his vow of naziriteship for less than thirty days.

וְאִיבָּעֵית תֵּימָא רַבָּנַן: לָא תֵּימָא מִשָּׁעָה שָׁנָזַר, אֶלָּא אֵימָא כְּמִשָּׁעָה שָׁנָזַר.

And if you wish, you can **say** that the mishna follows the opinion of **the Rabbis,** by emending its wording: **Do not say** that he must observe naziriteship **from the time that he vowed; rather, say: Like from the time that he vowed.** That is, he must count his naziriteship corresponding to the time that has elapsed since he took his vow, exactly as stated by the Rabbis.

״נִשְׁאַל לַחֲכָמִים וְהִתִּירוּהוּ״ וכו׳. אָמַר רַבִּי יִרְמְיָה: מִדְּבֵית שַׁמַּאי נִשְׁמַע לְדִבְרֵי הִלֵּל; לָאו אָמְרִי בֵּית שַׁמַּאי הֶקְדֵּשׁ בְּטָעוּת הָוֵי הֶקְדֵּשׁ, כֵּיוָן דְּאִיגְּלַאי מִילְּתָא דְּלָאו שַׁפִּיר נָזַר – תֵּצֵא וְתִרְעֶה בָּעֵדֶר.

§ The mishna taught that with regard to one who **requested of the halakhic authorities and they dissolved** the vow **for him,** and he had already separated an animal for a nazirite offering, it shall go out and graze among the flock. **Rabbi Yirmeya said: From** the ruling **of Beit Shammai one can learn** a *halakha* with regard **to** the opinion **of Beit Hillel.** Is it **not** the case that **Beit Shammai say** that **an erroneous** act of **consecration is** considered **consecration,** and yet **once the matter is revealed that his vow of naziriteship** was **not right,** i.e., it has been dissolved, the animal is considered non-sacred and **shall go out and graze among** the **flock.**

לְבֵית הִלֵּל נַמִּי, אַף עַל גַּב דְּאָמְרִי תְּמוּרָה בְּטָעוּת הָוְיָא תְּמוּרָה – הָנֵי מִילֵּי הֵיכָא דְּאִיתֵיהּ לְעִיקַּר הֶקְדֵּשׁ, אֲבָל הֵיכָא דְּמִיתְּעֲקַר עִיקַּר הֶקְדֵּשׁ – אִיתְּעֲקַר נַמֵּי תְּמוּרָה.

Rabbi Yirmeya continues: **According to** the opinion of **Beit Hillel as well, even though** they **say** that **a substitution** of a consecrated animal for another performed **in error is** a valid **substitute, this applies** only **when the initial consecration,** i.e., the consecration of the first animal, **is** in effect, in which case a substitution can take place. **However,** in a situation **where the initial consecration has been uprooted,**[N] i.e., a halakhic authority dissolved the vow pertaining to the first consecration, the first animal is no longer consecrated, and therefore the **substitute is also uprooted,** i.e., the animal remains non-sacred.

אָמַר מָר: אִי אַתֶּם מוֹדִים שֶׁאִילּוּ קָרָא לַתְּשִׁיעִי עֲשִׂירִי כו׳. אִיתְּמַר: מַעֲשֵׂר, רַב נַחְמָן אָמַר: טָעוּתוֹ וְלֹא כַּוָּונָתוֹ, רַב חִסְדָּא וְרַבָּה בַּר רַב הוּנָא אָמְרִי: טָעוּתוֹ, וְכָל שֶׁכֵּן כַּוָּונָתוֹ.

§ **The Master said**[N] in the mishna: **Don't you concede with regard to one who called the ninth** animal: **Tenth,** that it is consecrated? It **was stated** that *amora'im* engaged in a dispute concerning this point. With regard to the animal **tithe,**[B] **Rav Naḥman said:** It is consecrated in the above manner only if it resulted from **his error, but not** from **his intentional** declaration. If the owner was aware that it was the ninth animal and called it: Tenth, on purpose, his consecration is ineffective. **Rav Ḥisda and Rabba bar Rav Huna say: His error** consecrates the animal, **and all the more so his intentional** declaration,[H] i.e., if he called the ninth or eleventh animals: Tenth, in full knowledge that they were not the tenth.

אָמַר לֵיהּ רָבָא לְרַב נַחְמָן: לְדִידָךְ, דְּאָמְרַתְּ טָעוּתוֹ וְלֹא כַּוָּונָתוֹ, דְּקָאָמְרִי בֵּית שַׁמַּאי לְבֵית הִלֵּל: אִי אַתֶּם מוֹדִים שֶׁאִילּוּ קָרָא לַתְּשִׁיעִי עֲשִׂירִי וְלָעֲשִׂירִי תְּשִׁיעִי וּלְאַחַד עָשָׂר עֲשִׂירִי שֶׁשְּׁלָשְׁתָּן מְקוּדָּשִׁין, וְאִישְׁתִּיקוּ בֵּית הִלֵּל.

Rava said to Rav Naḥman: According to your opinion, **that you say** it is only **his error** that consecrates the ninth animal **and not his intentional** declaration, consider **that Beit Shammai said** the following **to Beit Hillel** in the mishna as proof that erroneous consecration is valid: **Don't you concede that if he called the ninth: Tenth; the tenth: Ninth; and the eleventh: Tenth, that all three are consecrated? And Beit Hillel were silent** in face of this question.

NOTES

The initial consecration has been uprooted – דְּמִיתְּעֲקַר עִיקַּר הֶקְדֵּשׁ: Most commentaries explain this as follows: Although substitution does apply in error, if the sanctity of the first animal was uprooted so that it became a non-sacred animal, the substitution is nullified. One does not say that the sanctity of a substitution took effect with regard to the second animal; rather, the dissolution of the vow pertaining to the first animal negates the sanctity of its substitute as well. This is exactly parallel to the case of a nazirite vow that was completely uprooted: Once the vow of naziriteship itself is dissolved, the sanctity of the animals separated for his naziriteship is also no longer in effect.

The Master said – אָמַר מָר: The commentaries point out that this is an example of the unusual language of *Nazir*, as the phrase: The Master said, generally introduces an external citation quoting *amora'im* or *tanna'im* from a source external to the Gemara's discussion, rather than a quote from the current mishna (Commentary on *Nazir*).

BACKGROUND

Animal tithe – מַעֲשֵׂר בְּהֵמָה: On three occasions each year, the owner of a herd of kosher animals was required to gather all the animals born during the preceding period into an enclosure, and to let them out one by one. These animals were passed "under the rod" of the shepherd (Leviticus 27:32), and every tenth animal was marked with red paint, to indicate that it was consecrated. These animals were consecrated as animal tithe. If the animal was fit to be sacrificed, it was brought to the Temple and sacrificed in a manner similar to that of a peace-offering. Its blood was sprinkled on the altar, and its meat was eaten by its owner, but not by the priests. The details of the *halakhot* of animal tithe are elucidated in tractate *Bekhorot*.

HALAKHA

His error and all the more so his intentional declaration – טָעוּתוֹ וְכָל שֶׁכֵּן כַּוָּונָתוֹ: If one was separating animal tithes and called the ninth or the eleventh animal: Tenth, the animal in question is consecrated whether he did so unwittingly or on purpose. This *halakha* is in accordance with the majority opinion of Rav Ḥisda and Rabba bar Rav Huna (Rambam *Sefer Korbanot*, *Hilkhot Bekhorot* 8:1).

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לֵימְרוּ לְהוֹן: מַה לְמַעֲשֵׂר – שֶׁכֵּן אֵינוֹ קָדוֹשׁ בִּכְוָונָה!

However, according to your opinion, **let** Beit Hillel **say to** Beit Shammai: While it is correct that an erroneous act of consecration takes effect with regard to animal tithe, one cannot learn the *halakha* of other types of consecration from there, as **what** is unique **about tithe is that it is not consecrated** if his declaration concerning the wrong animal was **intentional,** whereas other types of consecration are typically the result of a purposeful act. Since other types of consecration take effect with intent, an erroneous act of consecration is not considered consecration.

אֲמַר רַב שִׁימִי בַּר אַשִׁי: הַיְינוּ טַעְמָא דְּלָא אָמְרִי לְהוֹן, דְּקַל וָחוֹמֶר הוּא: מַה מַּעֲשֵׂר שֶׁאֵינוֹ קָדוֹשׁ בִּכְוָונָה – קָדוֹשׁ בְּטָעוּת, הֶקְדֵּשׁ שֶׁקָּדוֹשׁ בִּכְוָונָה – לֹא כָּל שֶׁכֵּן?

Rav Shimi bar Ashi said: This is the reason that Beit Hillel **did not say** that answer **to** Beit Shammai, as one can argue in the opposite manner, by saying **that it is an *a fortiori*** inference: **If tithe, which is not consecrated** when he acts **intentionally,** is nevertheless **consecrated** if he acted **erroneously;** with regard to other types of **consecration, which are consecrated intentionally,** is it **not all the more so** that an act of erroneous consecration should render an item consecrated?

וְלָא הִיא, דְּהֶקְדֵּשׁ בְּדַעְתָּא דְּמָרֵיהּ תָּלֵי.

The Gemara rejects this argument: **And this is not so,** as this *a fortiori* inference is flawed, **as consecration depends on the intention of the owner,**[N] and therefore it cannot apply when done in error. By contrast, the animal tithe is not consecrated through the intention of its owner but merely by counting, as every tenth animal is consecrated.

מתני׳ מִי שֶׁנָּדַר בִּנְזִיר, וְהָלַךְ לְהָבִיא אֶת בְּהֶמְתּוֹ וּמְצָאָהּ שֶׁנִּגְנְבָה. אִם עַד שֶׁלֹּא נִגְנְבָה בְּהֶמְתּוֹ נָזַר – הֲרֵי זֶה נָזִיר,

MISHNA With regard to **one who took a vow of naziriteship and went to bring his animal** which he set aside for his nazirite offering **and discovered that it was stolen,** and due to the need to separate an additional animal now regrets having taken his vow, **if he took a vow of naziriteship before his animal was stolen,**[H] **he is a nazirite,** as a vow cannot be dissolved as the result of a later event.

NOTES

As consecration depends on the intention of the owner – דְּהֶקְדֵּשׁ בְּדַעְתָּא דְּמָרֵיהּ תָּלֵי: According to the explanation of Rav Shimi bar Ashi, the question posed to the opinion of Rav Naḥman from the answer of Beit Hillel stands (Commentary on *Nazir*). Other commentaries claim that this question does not disprove the opinion of Rav Naḥman, as one can explain that although Beit Hillel could have provided the answer suggested by Rava, they preferred an alternative response, as stated in the Jerusalem Talmud.

HALAKHA

If he took a vow of naziriteship before his animal was stolen – אִם עַד שֶׁלֹּא נִגְנְבָה בְּהֶמְתּוֹ נָזַר: With regard to one who took a vow of naziriteship and went to get the offerings he had set aside only to find they were lost or stolen, if he took his vow before the animal was stolen, he is a nazirite. If he took his vow after the animals were stolen he is not a nazirite, as it is considered an erroneous vow (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:2).

Perek **V**
Daf **32** Amud **b**

וְאִם מִשֶּׁנִּגְנְבָה בְּהֶמְתּוֹ נָזַר – אֵינוֹ נָזִיר. וְזוֹ טָעוּת טָעָה נַחוּם הַמָּדִי, כְּשֶׁעָלוּ נְזִירִים מִן הַגּוֹלָה וּמָצְאוּ בֵּית הַמִּקְדָּשׁ חָרֵב, אָמַר לָהֶם נַחוּם הַמָּדִי: אִילּוּ הֱיִיתֶם יוֹדְעִין שֶׁבֵּית הַמִּקְדָּשׁ חָרֵב הֱיִיתֶם נוֹזְרִים? אָמְרוּ לוֹ: לֹא. וְהִתִּירָן נַחוּם הַמָּדִי.

But if he took a vow of naziriteship after his animal was stolen, he is not a nazirite,[N] as it is retroactively established that his vow was taken in error from the outset, as he relied on an animal he did not possess. **And this** was the **error** that **Naḥum the Mede**[P] **erred** when he failed to distinguish between an event that occurred before the vow was taken and an event that occurred afterward. The incident in question was as follows: **When nazirites were ascending from the exile** to sacrifice their offerings, **and they found the Temple destroyed, Naḥum the Mede said to them: If you had known that the Temple** would be **destroyed, would you have taken a vow of naziriteship? They said to him:** Certainly **not,** as there is no remedy for a naziriteship in this case. **And Naḥum the Mede dissolved** the vow **for them.**

וּכְשֶׁבָּא הַדָּבָר אֵצֶל חֲכָמִים אָמְרוּ: כָּל שֶׁנָּזַר עַד שֶׁלֹּא חָרַב בֵּית הַמִּקְדָּשׁ – נָזִיר, וּמִשֶּׁחָרַב בֵּית הַמִּקְדָּשׁ – אֵינוֹ נָזִיר.

And when the matter came before the Rabbis, they said: His ruling is incorrect. Rather, **whoever took a vow of naziriteship before the Temple was destroyed,** like these nazirites from the exile, he is **a nazirite,** as he committed no error at the time of his vow, and one cannot dissolve vows based a new situation. However, one who stated his vow **after the Temple was destroyed is not a nazirite,** as he vowed based on an erroneous assumption.

NOTES

He is not a nazirite – אֵינוֹ נָזִיר: The commentaries state that in this case it is evident that the vow was erroneous from the outset, as he took the vow based on the assumption that he had an animal ready to bring as an offering. Therefore, a halakhic authority can dissolve his vow (*Tosafot*). Others claim that the statement: He is not a nazirite, indicates that his vow does not require dissolution at all, as the vow is automatically void. Consequently, the earlier ruling: If the animal was stolen afterward he is a nazirite, does not mean that he cannot have the vow dissolved. Rather, it means that this vow requires dissolution by means of a halakhic authority (Rambam's Commentary on the Mishna; Rabbi Avraham min HaHar, citing Commentary on *Nedarim*).

PERSONALITIES

Naḥum the Mede – נַחוּם הַמָּדִי: Naḥum the Mede was a prominent Sage at the time of the destruction of the Second Temple. Based on his nickname (see *Avoda Zara* 7b) he apparently came from Media, although he likely immigrated to Eretz Yisrael at a young age in order to study Torah. He was among the so-called *Dayanei Gezeirot*, the Chief Judges in Jerusalem who were authorized to issue community-wide enactments. Several of his halakhic rulings are mentioned in the Mishna and in *baraitot*.

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HALAKHA

They may not broach dissolution by asking about a new situation – אֵין פּוֹתְחִין בִּנּוֹלָד: A halakhic authority may not broach the dissolution of a vow by means of a new situation. For example, if someone vowed not to derive benefit from another, and that person became a great scholar who served the entire community, a halakhic authority may not say to the one who vowed: Would you have uttered your vow had you known that he would become a scholar? One may mention only an event that is very likely to occur. Some authorities (Rema; see *Shakh*) state that if he entirely regrets having taken the vow, as nothing positive for him resulted from his vow, it can be dissolved based on this regret, even a new situation contributed to his regret (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 6:12; *Shulḥan Arukh*, *Yoreh De'a* 228:7, 12, and the comment of Rema on 228:13).

However, they may broach dissolution by asking about the conditions of a new situation – אֲבָל פּוֹתְחִין בְּתְנַאי נוֹלָד: Although dissolution is not broached by raising a new situation, a halakhic authority may reference the conditions of a new situation. In other words, a halakhic authority may ask the one who vowed whether he still would have vowed if someone had told him at the time that an event had occurred, despite the fact that the event actually happened later (*Shulḥan Arukh*, *Yoreh De'a* 228:13).

גמ׳ אֲמַר רַבָּה: שְׁטָפוּהוּ רַבָּנַן לְרַבִּי אֱלִיעֶזֶר וְאוֹקְמֵיהּ בְּשִׁיטָתַיְיהוּ. דְּתָנֵי: פּוֹתְחִין בְּנוֹלָד, דִּבְרֵי רַבִּי אֱלִיעֶזֶר, וַחֲכָמִים אוֹסְרִין.

GEMARA In relation to the mishna's statement with regard to the dissolution of a vow of naziriteship due to a new situation, the Gemara cites a statement that **Rabba said: The Rabbis overwhelmed Rabbi Eliezer** until he retracted his ruling **and established** the *halakha* **in accordance with their opinion.** To what does this refer? **As we learned** in a mishna in *Nedarim* (64a): They **may broach** dissolution **by** asking about **a new situation,** i.e., a halakhic authority can dissolve a vow due to a new situation that the one who took the vow did not anticipate at the time he took his vow. This is **the statement of Rabbi Eliezer; but the Rabbis prohibit** this. Since Rabbi Eliezer does not disagree in the case of naziriteship in this mishna, he must have accepted the opinion of the Rabbis.

וַאֲמַר רָבָא: אַף עַל גַּב דַּאֲמוּר רַבָּנַן אֵין פּוֹתְחִין בְּנוֹלָד, אֲבָל פּוֹתְחִין בִּתְנַאי נוֹלָד. הֵיכִי דָּמֵי? אָמְרִי לְהוֹן: אִילּוּ אֲתָא אִינִישׁ וַאֲמַר לְכוֹן דְּחָרַב בֵּית הַמִּקְדָּשׁ, מִי הֲוָה נָדְרִיתוּן?

And Rava said, with regard to the same issue: **Even though the Rabbis said** that they **may not broach** dissolution **by** asking about **a new situation,**[H] **however,** they **may broach** dissolution **by** asking about **the conditions of a new situation,**[H] i.e., with situations similar to a new situation. **What are the circumstances** of this type of broaching dissolution? The halakhic authorities **say to** the nazirites who took their vows before the destruction of the Temple: **If a person had come and said to you** before you took your vow **that the Temple** will be **destroyed, would you have vowed?** Although the destruction of the Temple itself is a new situation, its potential occurrence existed when they vowed, and therefore if they answered that they would not have vowed had they known this, their vows are dissolved.

אֲמַר רַב יוֹסֵף: אִי הֲוַאי הָתָם הֲוָה אָמִינָא לְהוֹן: הָכְתִיב ״הֵיכַל ה׳ הֵיכַל ה׳ הֵיכַל ה׳ הֵמָּה״ – זֶה מִקְדָּשׁ רִאשׁוֹן וּמִקְדָּשׁ שֵׁנִי!

Rav Yosef said: If I had been there, when those nazirites arrived, **I would have said** the following **to them,** in order to dissolve their vows: **Isn't it written: "The Sanctuary of the Lord, the Sanctuary of the Lord, the Sanctuary of the Lord,**[N] **are these"** (Jeremiah 7:4). **This** thrice repetition of "Sanctuary of the Lord" is referring to the **First Temple and** the **Second Temple** which are destined to be destroyed, leading to a Third Temple. These nazirites should have considered the possibility of the Temple's destruction, and this can serve as a means of broaching the dissolution of their vows.

נְהִי דְּיָדְעִין לְהוֹן דְּיֶחֱרוֹב, מִי יוֹדְעִין לְאֵימָתַי? אֲמַר אַבַּיֵי: וְלָא יָדְעִין לְאֵימַת? וְהָכְתִיב ״שָׁבוּעִים שִׁבְעִים נֶחְתַּךְ עַל עַמְּךָ וְעַל עִיר קָדְשֶׁךָ״. וְאַבַּתִּי, מִי יָדְעִינַן בְּהֵי יוֹמָא?

The Gemara responds: **Although they** might have **known** that the Second Temple **would be destroyed,** as the verse speaks of three Temples, **did they know when** it would be destroyed? Would they have considered that it might occur in their lifetimes, preventing them from sacrificing their offerings? **Abaye said: And** did **they not know when? But isn't it written: "Seventy sevens are decreed upon your people and upon your sacred city"** (Daniel 9:24), which indicates that the Second Temple would be destroyed seventy Sabbatical cycles of seven years after the destruction of the First Temple, which is 490 years. The Gemara answers: **And still, did we know on which day** it would be destroyed? It was therefore impossible to use this factor as a means to broach the dissolution of their vows.

NOTES

The Sanctuary of the Lord, the Sanctuary of the Lord – הֵיכַל ה׳ הֵיכַל ה׳ הֵיכַל ה׳: Most commentaries explain that the repetition of "the Sanctuary of the Lord, the Sanctuary of the Lord, the Sanctuary of the Lord are these" indicates that two Temples would be destroyed before the completion of the everlasting Third Temple. Consequently, these nazirites must have known that the Second Temple was slated for destruction (see Rosh). Others maintain that the future destruction of the Temple is not derived from this repetition; rather, the very fact that the prophet states that one cannot rely on the Sanctuary of the Lord, as it is liable to be destroyed, indicates that the fate of the First Temple can befall the second one as well (Rabbi Avraham min HaHar; see Commentary on *Nazir*, *Tosafot*, *Shita Mekubbetzet*, and *Meromei Sadeh*).

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מתני׳ הָיוּ מְהַלְּכִין בַּדֶּרֶךְ, וְאֶחָד בָּא כְּנֶגְדָּן. אָמַר אֶחָד מֵהֶן ״הֲרֵינִי נָזִיר שֶׁזֶּה פְּלוֹנִי״ וְאֶחָד אָמַר ״הֲרֵינִי נָזִיר שֶׁאֵין זֶה פְּלוֹנִי״, ״הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר״, ״שֶׁאֵין אֶחָד מִכֶּם נָזִיר״, ״שְׁנֵיכֶם נְזִירִים״, ״שְׁכוּלְּכֶם נְזִירִים״,

MISHNA If there **were** people **walking along the way, and one** other person was **approaching them,** and **one** of those walking **said: I am hereby a nazirite if this** person approaching us **is so-and-so.**[H] **And** another **one** of them **said: I am hereby a nazirite if this is not so-and-so,** while a third member of the group said: **I am hereby a nazirite if one of you** two **is a nazirite,**[N] and a fourth said: I am hereby a nazirite **if neither of you is a nazirite,**[N] and another added: I am hereby a nazirite **if both of you are nazirites.** Finally, the last person said: I am hereby a nazirite **if all you** who spoke before me **are nazirites.**

בֵּית שַׁמַּאי אוֹמְרִים: כּוּלָּן נְזִירִין, וּבֵית הִלֵּל אוֹמְרִים: אֵינוֹ נָזִיר אֶלָּא מִי שֶׁלֹּא נִתְקַיְּמוּ דְּבָרָיו, וְרַבִּי טַרְפוֹן אוֹמֵר: אֵין אֶחָד מֵהֶם נָזִיר.

Beit Shammai say that **they are all nazirites,** as by saying: I am hereby a nazirite, they have accepted naziriteship upon themselves even if their statements turn out to be incorrect. Beit Shammai maintain that a vow of naziriteship taken in error is considered a valid vow of naziriteship. **And Beit Hillel say: Only he whose statement was not fulfilled is a nazirite. And Rabbi Tarfon says: Not** a single **one of them is a nazirite,** including those whose statements were correct. Rabbi Tarfon maintains that a vow of naziriteship must be pronounced in an explicit manner, without any hint of uncertainty. In this case, none of them knew for sure the identity of the person coming toward them, and therefore they could not be certain they were nazirites at the time of their vows.

הִרְתִּיעַ לַאֲחוֹרָיו – אֵינוֹ נָזִיר. רַבִּי שִׁמְעוֹן אוֹמֵר: יֹאמַר ״אִם הָיָה כִּדְבָרַי – הֲרֵינִי נָזִיר חוֹבָה, וְאִם לָאו – הֲרֵינִי נָזִיר נְדָבָה״.

If the person approaching them **turned back**[H] so that his identity was never discovered, **not** one of them is **a nazirite.** The matter was never clarified, and the *halakha* is lenient in cases of uncertain naziriteship. **Rabbi Shimon says** that the *halakha* is stringent with regard to an uncertainty of this kind, and therefore they should proceed as follows in order to avoid any uncertainty: Each of those who took a vow **should say: If it was in accordance with my statement, I am hereby an obligatory nazirite,** as my condition was fulfilled, **and if not, I am hereby a voluntary nazirite,** and in this manner they are all nazirites either way.

גמ׳ מִי שֶׁלֹּא נִתְקַיְּמוּ דְּבָרָיו אַמַּאי הֲוֵי נָזִיר? אָמַר רַב יְהוּדָה: אֵימָא: מִי שֶׁנִּתְקַיְּמוּ דְּבָרָיו.

GEMARA The Gemara questions the opinion of Beit Hillel: **Why is he whose statement was not fulfilled a nazirite? Rav Yehuda said:** One must emend the wording of the mishna so that it **says:** Only **he whose statement was fulfilled** becomes a nazirite.

HALAKHA

I am hereby a nazirite if this is so-and-so – הֲרֵינִי נָזִיר שֶׁזֶּה פְּלוֹנִי: With regard to two people who were walking together and disagreed with regard to the identity of the individual approaching them, and one said: I am hereby a nazirite if that person is Shimon, as you claim, and the other replied: I am hereby a nazirite if he is Reuven, as you claim, if he was in fact Reuven the second person is a nazirite. This interpretation (*Mishne LaMelekh*; see *Tosefot Yom Tov*) is in accordance with Abaye's explanation of the anonymous opinion in the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:8).

Turned back – הִרְתִּיעַ לַאֲחוֹרָיו: If the person whose identity was subject to the above debate turned around, so that they never discovered his identity, neither of them is a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:8).

NOTES

I am hereby a nazirite if one of you is a nazirite – הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר: Most commentaries understand this as a continuation of the aforementioned statement in the mishna, i.e., the third one says to the first two people: If one of you is a nazirite, etc. The Meiri maintains that the mishna is now dealing with a different case, in which someone who sees a group of people approaching declares: I am hereby a nazirite if one of you is a nazirite. The following case would likewise be where someone states to an approaching group of people: I am hereby a nazirite if none of you are nazirites. *Keren Ora* claims that Rambam understands likewise.

If neither of you is a nazirite – שֶׁאֵין אֶחָד מִכֶּם נָזִיר: This translation follows the Rosh and the Meiri. Others explain that this means: I am hereby a nazirite if one of you is not a nazirite (*Tosafot*). According to this interpretation, this individual says the exact same thing as the previous person, only in negative form.

Perek **V**
Daf **33** Amud **a**

אַבָּיֵי אָמַר: כְּגוֹן דְּאָמַר ״אִי נַמִּי לָאו פְּלוֹנִי הוּא אִי אֵיהוּ נָזִיר״. וּמַאי ״לֹא נִתְקַיְּמוּ דְּבָרָיו״ – לֹא נִתְקַיְּמוּ דְּבָרָיו הָרִאשׁוֹנִים, אֶלָּא דְּבָרָיו אַחֲרוֹנִים.

Abaye said: One must correct his understanding of the mishna, so that it deals with a situation **where** in addition to his first statement **he said:**[N] **Even if it is not so-and-so, I shall be a nazirite. And what is** the meaning of the phrase: Whose **statement was not fulfilled?** It means: **His first statement was not fulfilled,** as it was not that person; **rather,** he is a nazirite because **his last statement** was fulfilled.

״הִרְתִּיעַ לַאֲחוֹרָיו אֵינוֹ נָזִיר״ כּוֹ׳. טַעֲמָא – מִשּׁוּם דְּהִרְתִּיעַ לַאֲחוֹרָיו, הָא אָתֵי לְקַמָּן – הֲוֵי נָזִיר. מַנִּי?

§ The mishna taught that if the individual walking toward them **turned back,** so that his identity remained unknown, **not** one of them is **a nazirite.** The Gemara clarifies: **The reason is** only **because he turned back,** from which it may be inferred that if that person **comes before us** and is identified, the one who said he would be a nazirite if it is so-and-so **is** considered to be **a nazirite.** The Gemara inquires: In accordance with **whose** opinion is this *halakha*?

NOTES

Where he said, etc. – כְּגוֹן דְּאָמַר וכו׳: Some commentaries explain that he first said: I am hereby a nazirite if it is so-and-so. Then he added: Even if it is not him, I will be a nazirite (Commentary on *Nazir*). Later authorities are puzzled by this interpretation, as no novel *halakha* is taught by this case (see *Mishne LaMelekh*). Therefore, some suggest that he said: If it is the individual you think it is, I am hereby a nazirite. Then he continued: Even if it is someone other than the person I think it is, I will be a nazirite (*Birkat Rosh*). Others similarly state that it refers to one who says: I am hereby a nazirite if this is Reuven and not Shimon, and the person in question was someone else entirely (Meiri). In this case, although the first part of his initial statement remained unfulfilled, his last clause was correct. Alternatively, Abaye means that he retracted his earlier statement, and is now saying that he is a nazirite if it is not that individual (*Tosafot*).

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This *amud* has no Gemara text, as in the classic Vilna layout it is entirely filled with the commentary of *Tosafot*.

HALAKHA

On the condition that this heap contains one hundred *kor* – עַל מְנָת שֶׁיְּהֵא בִּכְרִי הַזֶּה מֵאָה כּוֹר: If one says: I am hereby a nazirite on the condition that this heap of grain contains one hundred *kor*, and when he went to measure the heap discovered that it was stolen or lost, he is not a nazirite. The *halakha* is lenient with regard to uncertain naziriteship, in accordance with the opinion of Rabbi Yehuda (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:9).

BACKGROUND

***Kor* – כּוֹר:** The *kor* is the largest measurement of volume mentioned in the Talmud. The *kor* contains thirty *se'a*, which in modern measurements is somewhere between 240 –480 ℓ. This significant variation is due to a fundamental dispute among the later halakhic authorities concerning halakhic measurements.

אִילֵימָא רַבִּי טַרְפוֹן – מִי הָוֵי נָזִיר? כֵּיוָן דְּבְשָׁעְתָּא דְּקָא נָזַר לָא יָדַע אִי פְּלוֹנִי הוּא וְאִי לָא, מִי חָלָה עֲלֵיהּ נְזִירוּת? וְהָתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי טַרְפוֹן: אֵין אֶחָד מֵהֶן נָזִיר, לְפִי שֶׁלֹּא נִתְּנָה נְזִירוּת אֶלָּא לְהַפְלָאָה!

If we say it is the opinion of **Rabbi Tarfon,** even in a case where the individual in question came before us and identified himself, **is** the one who claimed to know his identity **be a nazirite? Since at the time when he vowed he did not know whether** the subject of their debate **is so-and-so or not, does naziriteship take effect with regard to him? But isn't it taught** in a *baraita* (*Tosefta* 3:19) that **Rabbi Yehuda says in the name of Rabbi Tarfon:** In the case of the mishna **not one of** the six people **is a nazirite, since naziriteship is imposed** upon someone **only if** the vow is stated with **explicitness** [***hafla'a***][L] enunciated. The Torah says that a vow must be "clearly" pronounced, as the verse states: "When either man or woman shall clearly utter [*yafli*] a vow, the vow of a nazirite" (Numbers 6:2). This verse indicates that his vow is valid only if it is explicit.

אֶלָּא רַבִּי יְהוּדָה דִּכְרִי הוּא. דְּתַנְיָא: ״הֲרֵינִי נָזִיר עַל מְנָת שֶׁיְּהֵא בִּכְרִי הַזֶּה מֵאָה כּוֹר״ וְהָלַךְ וּמְצָאוֹ שֶׁנִּגְנַב אוֹ שֶׁאָבַד, רַבִּי שִׁמְעוֹן אוֹסֵר, וְרַבִּי יְהוּדָה מַתִּיר.

Rather, the mishna represents the opinion of **Rabbi Yehuda, as** stated with regard to **a heap** of grain. **As it is taught** in a *baraita* (*Tosefta* 2:9): If someone said: **I am hereby a nazirite on the condition that this heap** of grain **contains one hundred *kor*,**[HB] a measurement of volume, **and** when **he went** to measure it **he discovered that** the heap **was stolen or lost,** so that the amount it held cannot be determined, **Rabbi Shimon deems** him **prohibited** in all the *halakhot* of naziriteship, as the heap might have contained one hundred *kor*. **And Rabbi Yehuda deems him permitted,** as he maintains that the *halakha* is lenient in cases of uncertain naziriteship. Rabbi Yehuda's reasoning applies equally to the case of the mishna.

רַבִּי שִׁמְעוֹן סָבַר: כֵּיוָן דְּאִילּוּ לֹא נִגְנַב, דִּלְמָא הָוֵי בֵּיהּ מֵאָה כּוֹר, וְהָוֵי נָזִיר – הָשְׁתָּא נַמִּי הָוֵי נָזִיר. וְהָכָא נַמִּי, כֵּיוָן דְּאִי אַתָּא לְקַמָּן וְיָדְעִינַן דִּפְלוֹנִי הַוַּאי – הָוֵי נָזִיר, הָשְׁתָּא נַמִּי הָוֵי נָזִיר.

As for **Rabbi Shimon,** who disputes the ruling of the mishna, he **holds** with regard to the heap of grain: **Since if** the heap had **not been stolen perhaps it might have contained one hundred *kor* and he** would have been **a nazirite, now too, he is a nazirite** due to the uncertainty. **And here too,** in the case of the mishna, **since if** that person would have **come before us and we** would have **known that he was so-and-so,** the one who took the vow **would have been a nazirite,** consequently, **now too, he is a nazirite** as a result of the uncertainty cast by the unknown identity of the individual.

LANGUAGE

Explicitness [*hafla'a*] – הַפְלָאָה: The root *pele*, from which the term *hafla'a* is derived, is close both linguistically and conceptually to the root *pala*, which refers to a difference, distinction, or separation. The notion of distinction is apparent from the verse: "So that we are distinguished [*ve'niflinu*], I and Your people, from all the people that are on the face of the earth" (Exodus 33:16). The verse concerning the vows of a nazirite, which states: "When either man or woman shall clearly utter [*yafli*] a vow" (Numbers 6:2), can be explained in two ways. Some commentaries say this denotes wonder [*pele*]. In other words, someone performs a wondrous undertaking by abstaining from the delights of the world and becoming a nazirite. Alternatively, *yafli* means separation, i.e., he separates himself. It is for this reason that the Gemara says: A nazirite vow must be stated with explicitness, i.e., he must separate himself unambiguously, without any hint of doubt.

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מתני׳ רָאָה אֶת הַכּוֹי, וְאָמַר ״הֲרֵינִי נָזִיר שֶׁזֶּה חַיָּה״, ״הֲרֵינִי נָזִיר שֶׁזֶּה אֵינוֹ חַיָּה״, ״הֲרֵינִי נָזִיר שֶׁזֶּה בְּהֵמָה״, ״הֲרֵינִי נָזִיר שֶׁאֵין זֶה בְּהֵמָה״,

MISHNA

Someone **saw a kosher animal with characteristics of both a domesticated animal and a non-domesticated animal** [*koy*],[HB] **and said: I am hereby a nazirite if this is a non-domesticated animal;** and another individual said: **I am hereby a nazirite if this is not a non-domesticated animal;** and a third person said: **I am hereby a nazirite if this is a domesticated animal;** and a fourth said: **I am hereby a nazirite if this not a domesticated animal.**

״הֲרֵינִי נָזִיר שֶׁזֶּה חַיָּה וּבְהֵמָה״, ״הֲרֵינִי נָזִיר שֶׁאֵין זֶה לֹא חַיָּה וְלֹא בְּהֵמָה״, ״הֲרֵינִי נָזִיר שֶׁאֶחָד מִכֶּם נָזִיר״, ״הֲרֵינִי נָזִיר שֶׁאֵין אֶחָד מִכֶּם נָזִיר״, ״הֲרֵינִי נָזִיר שֶׁכּוּלְּכֶם נְזִירִין״ – הֲרֵי כוּלָּן נְזִירִין.

The mishna continues: A fifth person added: **I am hereby a nazirite if this is a non-domesticated animal and a domesticated animal,** and a sixth person said: **I am hereby a nazirite if this is neither a non-domesticated animal nor a domesticated animal.** Someone who heard all the above statements said: **I am hereby a nazirite if one of you is a nazirite,** and another one stated: **I am hereby a nazirite if not one of you is a nazirite,** and a final person said: **I am hereby a nazirite if all of you are nazirites.** In this case, **they are all nazirites.**[N]

גמ׳ תָּנֵי חֲדָא: תִּשְׁעָה נְזִירִים, וְתַנְיָא אִידָךְ: תִּשַּׁע נְזִירוּת. בִּשְׁלָמָא תִּשְׁעָה נְזִירִין – כְּגוֹן דְּהָווּ גַּבְרֵי טְפֵי, דְּאִיתְפִּיס וְאָזֵיל בֵּיהּ.

GEMARA

With regard to the ruling of the mishna that they are all nazirites, it **is taught** in **one** *baraita* that this case involves a total of **nine nazirites, and** it **is taught** in **the other** *baraita* that there are **nine** sets of **nazirite-ship** here. The Gemara clarifies: **Granted,** one can understand the *baraita* that says that there are **nine nazirites, for example, if there were many people who associated** their naziriteship with the status of **this** *koy*, each with one of the statements listed above.

HALAKHA

Saw a *koy* – רָאָה אֶת הַכּוֹי: If several people walking along the way saw a *koy*, and one of them said: I am hereby a nazirite if this is a non-domesticated animal, and another declared: I am hereby a nazirite if it is a domesticated animal, and a third added: I am hereby a nazirite if it is not a non-domesticated animal, while the fourth said: I am hereby a nazirite if it is not a domesticated animal, and a fifth stated: I am hereby a nazirite if it is a non-domesticated animal and a domesticated animal, while the last one vowed: I am hereby a nazirite if it is neither a non-domesticated animal nor a domesticated animal, they are all nazirites. This is because a *koy* is like a non-domesticated animal with regard to certain *halakhot* and like a domesticated animal with regard to other *halakhot*, while it has the status of both with regard to other *halakhot*, and has the status of neither with regard to yet other *halakhot*. The same *halakha* applies if these people saw an androgynous person, and vowed in a similar manner with regard to the individual's identity as a male or female (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:10).

NOTES

They are all nazirites – הֲרֵי כוּלָּן נְזִירִין: This mishna is apparently the continuation of the previous one (Commentary on *Nazir*; *Tosafot*). As such, the naziriteship is effective even if the condition was unfulfilled, in accordance with the opinion of Beit Shammai. However, there is an opinion that this mishna can even be reconciled with the ruling of Beit Hillel, which would mean it is accepted as *halakha*. The reason for this is that although there is a structural similarity between this mishna and the previous one, there is also one crucial difference between them: The first case involves an uncertainty that is about to be clarified, as it will soon be discovered who is approaching them. Therefore, the naziriteship takes effect only if the condition was fulfilled. By contrast, with regard to the case of a *koy,* the uncertainty will not be resolved. Consequently, they are all considered nazirites, either definite nazirites according to some commentaries, or uncertain nazirites (see Commentary on *Nazir* and *Tosafot*).

Tosafot also cite an opinion that the first six individuals are uncertain nazirites while the last three are definite ones. Others state that although the mishna is essentially in accordance with the opinion of Beit Shammai, even Beit Hillel agree that one of the last three, i.e., the one whose condition is fulfilled, is a nazirite (Meiri). The Rambam has an entirely different opinion, both in his Commentary on the Mishna and in the *Mishne Torah*. He maintains that the statements of all those who vow with regard to a *koy* are partly accurate, as a *koy* is a non-domesticated animal with regard to some areas of *halakha* and a domesticated animal with regard to others. Therefore, they are all definite nazirites, even according to the opinion of Beit Hillel.

BACKGROUND

***Koy* – כּוֹי:** Many problems arise in trying to identify the *koy*. It is mentioned numerous times in the Mishna and the Gemara, not because it is a common animal, but rather, because it is useful in discussions that explore the *halakhot* of domesticated animals versus wild animals. As early as the mishnaic period, the Sages disagreed on the identification of the *koy*. Some maintain that it is a hybrid born to a goat and a deer or another kosher wild animal.

According to many researchers, the *koy* is identified as the water buffalo. There are allusions to this identification in some medieval rabbinic sources. Others reject this idea and claim that water buffalo did not live in Eretz Yisrael during the time of the Mishna, when the *koy* was first mentioned. Others maintain that the *koy* is the mouflon, a subspecies of wild sheep, although there are a number of opinions as to which specific subspecies of mouflon it may be. There is also uncertainty with regard to both the origin of the term *koy* and its proper vocalization.





Top: Water buffalo
Bottom: Mouflon

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אֶלָּא תֵּשַׁע נְזִירוּת לְחַד גַּבְרָא הֵיכִי מַשְׁכְּחַתְּ לָהּ? בִּשְׁלָמָא שִׁית מַשְׁכְּחַתְּ לָהּ כִּדְתְנַן,

However, how can you find these circumstances of **nine** sets of **naziriteship in one person? Granted, you find six, as we learned** in the mishna that there are six ways in which the nature of a *koy* can be expressed: It is a non-domesticated animal; it is not a non-domesticated animal; it is a domesticated animal; it is not a domesticated animal; is a non-domesticated animal and a domesticated animal; it is neither a non-domesticated animal nor a domesticated animal. One person could associate his acceptance of naziriteship with all of the above possibilities.

אֲבָל תְּלָת הֵיכִי מַשְׁכְּחַתְּ לָהּ? אֲמַר רַב שֵׁשֶׁת: כְּגוֹן דְּאָמַר ״הֲרֵינִי נָזִיר וּנְזִירוּת הַכֹּל עָלַי״.

However, how can you find these circumstances of the other **three** sets of naziriteship? The statements: If one of you is a nazirite, and: If one of you is not a nazirite, are necessarily expressed by individuals who did not make the initial six statements, as these last three statements address the group of people who made the first six statements. **Rav Sheshet said:** It is possible in a case **where** nine people issued the statements mentioned in the mishna, and someone **said: I am hereby a nazirite and the naziriteship of all of them are** incumbent **upon me.** Since each of the nine people is obligated to observe a term of naziriteship, this last one is obligated to observe nine terms.

הדרן עלך בית שמאי

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Summary of **Perek V**

In this chapter, the Gemara explained that with regard to vows of consecration, one's intention is critical in determining whether his vow takes effect. This requirement applies to other vows as well, in accordance with the opinion of Beit Hillel. Consequently, an act of consecration or a vow of naziriteship is worthless if issued in error. This is the case whether the mistake occurred as a result of the language one used to express his purpose, or if the vow was based on a mistaken assumption. A vow might also not take effect if the verbalized statement did not match the speaker's intention.

For example, if someone consecrated an item based on a condition which was subsequently unfulfilled, his vow does not take effect. Likewise, if one designated an offering for a naziriteship, and the vow of naziriteship was then dissolved, his act of consecration is rendered void. Finally, a vow of naziriteship is ineffective if it was undertaken with the belief that the individual possessed animals he could sacrifice, but later discovered that he had no such animals.

A vow can be dissolved by a halakhic authority only when it is determined that it was erroneous from the outset. It cannot be dissolved due to a new situation that arises after the vow was taken.

This chapter also analyzed the obligation of one who takes a vow of naziriteship in unclear or ambiguous circumstances. The Gemara concluded that when someone undertakes to become a nazirite pending a certain condition, the vow takes effect both if the condition is realized and even if there merely exists a possibility that it has come true. The uncertainty of the situation might stem from the individual's being unable to ascertain the truth of the matter, or in a case where the truth cannot be objectively determined.

The Gemara also mentioned a *halakha* unique to the tithing of animals. In the event that an owner counting off his cattle mistakenly labels the ninth or the eleventh animal as the tenth one, those animals become consecrated as well. This ruling is a Torah edict, and therefore it is limited to the domain of animal tithes alone.

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Introduction to **Perek VI**

And the Lord spoke to Moses, saying: Speak to the children of Israel, and say to them: When either man or woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord, he shall abstain from wine and strong drink: He shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes, nor eat fresh grapes or dried. All the days of his naziriteship he shall eat nothing that is made of the vine, from pits to grape skin. All the days of his vow of naziriteship no razor shall come upon his head; until the days are fulfilled, in which he consecrated himself to the Lord, he shall be sacred, he shall let the locks of the hair of his head grow long. All the days that he consecrated himself to the Lord he shall not come near to a dead body. For his father or his mother, for his brother or for his sister, he shall not become impure for them when they die; because his naziriteship to God is upon his head. All the days of his naziriteship he is sacred to the Lord. And if any man dies very suddenly beside him, and he renders impure his consecrated head, then he shall shave his head on the day of his purification, on the seventh day he shall shave it. And on the eighth day he shall bring two turtledoves, or two young pigeons, to the priest, to the door of the Tent of Meeting. And the priest shall prepare one for a sin-offering, and the other for a burnt-offering, and make atonement for him, for that he sinned by reason of the dead; and he shall hallow his head that same day. And he shall consecrate to the Lord the days of his naziriteship, and shall bring a male sheep of the first year for a guilt-offering; but the former days shall be void, because his consecration was rendered impure.

And this is the law of the nazirite, when the days of his consecration are fulfilled: He shall bring it to the door of the Tent of Meeting; and he shall present his offering to the Lord, one male sheep of the first year without blemish for a burnt-offering, and one female sheep of the first year without blemish for a sin-offering, and one ram without blemish for a peace-offering, and a basket of unleavened bread, cakes of fine flour mingled with oil, and unleavened wafers spread with oil, and their meal-offering, and their libations. And the priest shall bring them before the Lord, and shall sacrifice his sin-offering and his burnt-offering. And he shall sacrifice the ram for a sacrifice of a peace-offering to the Lord, with the basket of unleavened bread; the priest shall also sacrifice its meal-offering, and its libation. And the nazirite shall shave his consecrated head at the entrance to the Tent of Meeting, and he shall take the hair of his consecrated head and put it on the fire which is under the sacrifice of the peace-offering. And the priest shall take the cooked foreleg, and one unleavened loaf out of the basket, and one unleavened wafer, and shall put them upon the palms of the nazirite after he has shaven his naziriteship. And the priest shall wave them for a wave-offering before the Lord; this is sacred for the priest, together with the breast of waving and the thigh of heaving; and after that the nazirite may drink wine. This is the law of the nazirite who takes a vow, and of his offering to the Lord for his naziriteship, beside that for which his means suffice; according to his vow which he takes, so he must do after the law of his naziriteship.

(Numbers 6:1–21)

When his naziriteship term is complete, a nazirite must come to the entrance to the Israelite Courtyard with the following offerings: An unblemished male sheep less than one year old for a burnt-offering; an unblemished female sheep less than one year old for a sin-offering; an unblemished ram, i.e., a male sheep aged more than one year, for a peace-offering; and a basket containing unleavened wheat loaves kneaded with oil, and flat matzot saturated with oil, along with the appropriate meal-offerings and libations. A priest prepares his sin-offering and burnt-offering inside the Temple courtyard, followed by the ram as a peace-offering, along with the basket of unleavened bread. The priest also sacrifices the meal-offering and libation. Meanwhile, the nazirite shaves off the hair of his head at the entrance to the Israelite Courtyard. He then takes this hair and places it on the fire that is under the pot that contains the

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peace-offering. After the nazirite has shaved, the priest takes the cooked foreleg of the ram along with one unleavened loaf and one unleavened wafer, and places them on the nazirite's open palms, and waves them. These portions belong to the priest, along with the animal's breast and thigh. Afterward, the nazirite may drink wine.

This chapter discusses the main *halakhot* of naziriteship, what prohibitions apply to a nazirite due to his vow, what the *halakha* is for an individual who willingly or inadvertently violates these prohibitions, and what specific offerings are required of a nazirite.

Three categories of activity are prohibited to a nazirite: First, he may not eat or drink any product of a grapevine. This chapter describes which items are included in this prohibition and the quantity a nazirite must consume to be liable to receive lashes. Second, a nazirite may not shave his hair. The Gemara analyzes the definition of shaving and whether the prohibition is violated only by the use of certain implements. The Gemara also considers the amount of hair that must be cut before one is liable to receive lashes, as well as the amount of hair that must be removed for the obligatory shaving at the end of the term of naziriteship. Finally, a nazirite may not become impure by contact with a corpse. This topic is addressed in general terms here, as its particulars are examined in Chapter Seven.

In this chapter, the three prohibitions of a nazirite are discussed from two perspectives: The Gemara clarifies under what circumstances the fulfillment of a different mitzva overrides each of the restrictions. The Gemara further addresses the issue of whether a nazirite must begin counting some or all of his days again if his term is interrupted.

Certain offerings are brought and certain rituals are performed when the naziriteship term has been fulfilled properly. These offerings and the attendant rituals are called the shaving of purity. Different offerings are sacrificed and rituals are performed if the period is interrupted by ritual impurity. These are known as the shaving of impurity. The Torah lists the offerings a pure and an impure nazirite must bring, and this chapter discusses various details relevant to these rites. The Gemara asks about the primary offering that formally ends the naziriteship term, the exact stage in the ritual when the hair is shaved, and what must be done if one of the sacrificial animals is invalidated.

These are the main issues of this chapter, and they are complemented by other, tangential, topics associated with these *halakhot*.

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מַתְנִי׳ שְׁלֹשָׁה מִינִין אֲסוּרִין בָּנָזִיר: הַטּוּמְאָה וְהַתִּגְלַחַת וְהַיּוֹצֵא מִן הַגֶּפֶן. וְכָל הַיּוֹצֵא מִן הַגֶּפֶן מִצְטָרְפִין זֶה עִם זֶה. וְאֵין חַיָּיב עַד שֶׁיֹּאכַל מִן הָעֲנָבִים כַּזַּיִת.

MISHNA **Three types** of actions **are prohibited for a nazirite:**[H] **The** contraction of **ritual impurity** from a corpse, **and the shaving** of one's hair, **and** eating or drinking any substances **that emerge from the vine.** The mishna adds: **And all** products **that emerge from the vine combine**[H] **with one another** to the amount that renders a nazirite liable to receive lashes. **And he is liable only if he eats an olive-bulk of the grapes.**[NH]

NOTES

Only if he eats…of the grapes – עַד שֶׁיֹּאכַל מִן הָעֲנָבִים: In this context, the term grapes clearly includes grape seeds and grape skins as well. Some cite the Gemara's explanation that the reason the mishna specifies grapes is to counter Rabbi Elazar's opinion that the leaves and tendrils of a vine are also forbidden (Commentary on *Nazir*). Others maintain that this is the opinion of Rabbi Akiva alone, as in the continuation of the mishna, whereas the ruling of the initial version of the mishna is that one is liable even from the amount of a quarter-*log* (*Shita Mekubbetzet*). There are also commentaries that maintain the opposite, and maintain that this is in accordance with the initial version of the mishna, as the phrase: Of the grapes, indicates that the amount of an olive-bulk applies only to foods and not to drinks. This is in contrast to Rabbi Akiva's opinion that all substances are combined to the amount of an olive-bulk (Meiri). Yet others contend that in the case of grapes and other edible grape byproducts everyone agrees that a nazirite is liable from the amount of an olive-bulk. They disagree only concerning the amount he must drink to be liable to receive lashes (*Tosafot* on 38b, citing Rabbeinu Tam).

HALAKHA

Three types are prohibited for a nazirite – שְׁלֹשָׁה מִינִין אֲסוּרִין בָּנָזִיר: A naziriteship vow includes three prohibitions: Shaving one's hair, contracting ritual impurity imparted by a corpse, and eating and drinking products of the vine (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:1, 5:1).

All products that emerge from the vine combine – כָּל הַיּוֹצֵא מִן הַגֶּפֶן מִצְטָרְפִין: All products of the vine combine to form the requisite amount to violate the nazirite prohibitions. Consequently, if a nazirite combines grapes, raisins, and unripe grapes, along with a grape skin and seed, and together they constitute the volume of an olive-bulk, he is liable to receive lashes if he eats it. He is also liable if he consumes an olive-bulk by eating them one after the other until they amount to an olive-bulk or if he drinks a quarter-*log* of a mixture of wine and vinegar (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:3).

Only if he eats an olive-bulk of the grapes – עַד שֶׁיֹּאכַל מִן הָעֲנָבִים כַּזַּיִת: A nazirite is liable to receive lashes if he eats an olive-bulk of an edible product of the vine or drinks a quarter-*log* of the juice of a grape (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:2).

מִשְׁנָה רִאשׁוֹנָה אוֹמֶרֶת עַד שֶׁיִּשְׁתֶּה רְבִיעִית יַיִן. רַבִּי עֲקִיבָא אוֹמֵר: אֲפִילּוּ שָׂרָה פִּיתּוֹ בְּיַיִן, וְיֵשׁ בָּהּ כְּדֵי לְצָרֵף כַּזַּיִת – חַיָּיב. וְחַיָּיב עַל הַיַּיִן בִּפְנֵי עַצְמוֹ, וְעַל הָעֲנָבִים בִּפְנֵי עַצְמָן וְעַל הַחַרְצַנִּים בִּפְנֵי עַצְמָן, וְעַל הַזַּגִּים בִּפְנֵי עַצְמָן. רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר: אֵין חַיָּיב עַד שֶׁיֹּאכַל שְׁנֵי חַרְצַנִּים וְזַג.

An initial version of the **mishna**[B] **says** that a nazirite is liable to receive lashes **only if he drinks a quarter-***log* of **wine. Rabbi Akiva says: Even** if he **soaked his bread**[NH] **in wine and** the two together **contain enough to combine** to the amount of **an olive-bulk,** he is **liable. And** furthermore, a nazirite is **liable** to receive lashes **for** consuming **wine by itself,**[H] **and for grapes by themselves, and for *ḥartzannim* by themselves, and for *zaggim* by themselves,** as each of these is forbidden separately by the Torah. **Rabbi Elazar ben Azarya says: He is liable only if he eats** an olive-bulk that includes at least **two *ḥartzannim* and** one ***zag,*** in accordance with the verse "From *ḥartzannim* to *zag*" (Numbers 6:4), where the first term is in the plural and the second in the singular.

אֵלּוּ הֵן חַרְצַנִּים וְאֵלּוּ הֵן זַגִּים? חַרְצַנִּים – אֵלּוּ הַחִיצוֹנִים, זַגִּים – אֵלּוּ הַפְּנִימִים, דִּבְרֵי רַבִּי יְהוּדָה. רַבִּי יוֹסֵי אוֹמֵר: שֶׁלֹּא תִּטְעֶה, כְּזוֹג שֶׁל בְּהֵמָה; הַחִיצוֹן זוֹג, וְהַפְּנִימִי עִינְבָל.

The mishna discusses the meaning of these terms: **Which** parts **are *ḥartzannim* and which are *zaggim*? The *ḥartzannim* are the outside** parts, the skin of the grape, while **the *zaggim* are the inner** parts, the seeds. This is **the statement of Rabbi Yehuda. Rabbi Yosei says:** The opposite is the case and this is the mnemonic so **that you should not err:** It is **like a bell** [*zog*][L] worn **by an animal,** in which **the outer** part, which corresponds to the skin of a grape, is called ***zog,***[H] **and the inner** portion of the bell, the clapper, which corresponds to the seeds in a grape, is called ***inbal.***[L]

HALAKHA

Even if he soaked his bread – אֲפִילּוּ שָׂרָה פִּיתּוֹ: Permitted food does not combine with forbidden food to form an amount that would render one liable to receive lashes. Consequently, in the case of one who soaks his bread in wine, he is liable to receive lashes if there was a quarter-*log* of wine, roughly three egg-bulks, in a half-loaf of bread, and the nazirite ate that half-loaf. The *halakha* is in accordance with the opinion of the Rabbis rather than that of Rabbi Akiva (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:5; see 37a).

And he is liable for wine by itself – וְחַיָּיב עַל הַיַּיִן בִּפְנֵי עַצְמוֹ: If a nazirite ate an olive-bulk of grapes, and the same amount of seeds, skins, or raisins, and he drank a quarter-*log* of wine, he is liable to receive five sets of lashes, as each of these involves a separate violation of a prohibition. In addition, he is flogged a sixth time for violating the prohibition (Numbers 30:3): "He shall not profane his word" (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:8; see 38b).

The outer part is called *zog* – הַחִיצוֹן זוֹג: If a nazirite ate the outer skin of a grape or its seeds he is liable to receive lashes, in accordance with the opinion of Rabbi Yosei (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:2).

BACKGROUND

An initial version of the mishna – מִשְׁנָה רִאשׁוֹנָה: This refers to an ancient Mishna that was in existence long before Rabbi Yehuda HaNasi. Some statements of *tanna'im* were formulated even in early generations; some *mishnayot* date back to the early days of the Second Temple. Statements of the initial Mishna are sometimes cited in Rabbi Yehuda HaNasi's Mishna, followed by the version formulated by later Sages. The mention of an initial version of the mishna might be followed by a statement of Rabbi Akiva, as his version of the Mishna and that of his students, e.g., Rabbi Meir, formed the basis of Rabbi Yehuda HaNasi's Mishna. It is often clear in a particular discussion that a mishna is referring to an earlier version of its ruling, as later Sages dispute the explanation and precise formulation of statements they heard from their teachers. Likewise, Beit Shammai and Beit Hillel dispute the meaning of certain initial versions of *mishnayot*.

NOTES

Even if he soaked his bread – אֲפִילּוּ שָׂרָה פִּיתּוֹ: All the commentaries agree that Rabbi Akiva disputes the initial version of the mishna concerning the amount of wine for which a nazirite is liable. According to the initial version of the mishna it is a quarter-*log*, whereas Rabbi Akiva maintains that it is an olive-bulk. However, some maintain that Rabbi Akiva is stating another novel ruling, that a nazirite is liable not only for drinking pure wine but also for a mixture that contains wine, even if there is not enough wine to render him liable on its own (see 37b).

LANGUAGE

Bell [*zog*] – זוֹג: Apparently related to the Persian zang, meaning bell.

***Inbal* – עִינְבָל:** Apparently from the Greek ἔμβολος, *embolos*, meaning nails or spikes that are inserted into other objects, or a tongue put in a vessel and so forth. There are different versions of this term in the Jerusalem Talmud, e.g., *anbol*, *imbol*, and *imbolot*.

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NOTES

Tendrils – לוּלָבִין: Most commentaries maintain that this refers to the tops of vine branches when they are still blossoming and soft (see Rabbi Avraham min HaHar). However, some explain that this refers to the soft tendrils that sprout on a vine (Commentary on *Nazir*).

Amplifications and restrictions – רִבּוּיִין וּמִיעוּטִין: The difference between these two exegetical approaches is the topic of a lengthy discussion that continues through 35b.

BACKGROUND

Tendrils – לוּלָבִין: This term usually refers to the soft parts of various plants. The tender ends of plants such as the caper bush and grapevine were eaten as a delicacy. Even the tops of palm trees were eaten in this way.



Blossoming caper flowers

HALAKHA

The vine itself, no – הַגֶּפֶן עַצְמוֹ לָא: The leaves of a vine, its sap, and its nascent fruit are all permitted to a nazirite, as they are neither fruit nor fruit waste, but are considered part of the tree (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:2).

Fruit waste – פְּסוֹלֶת פֵּרִי: A nazirite who ate an olive-bulk of grape skins or seeds, or who drank a quarter-*log* of vinegar, the waste products of the fruit of the vine, is liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:2).

גמ׳ ״שְׁלֹשָׁה מִינִין אֲסוּרִין בְּנָזִיר הַטּוּמְאָה״ כו׳. הֵיוֹצֵא מִן הַגֶּפֶן – אֵין, גֶּפֶן עַצְמוֹ – לָא. מַתְנִיתִין דְּלָא כְּרַבִּי אֶלְעָזָר, דְּתַנְיָא, רַבִּי אֶלְעָזָר אוֹמֵר: אֲפִילּוּ עָלִין וְלוּלָבִין בְּמַשְׁמַע.

GEMARA The mishna taught that **three types** of actions **are prohibited for a nazirite:** Contracting **ritual impurity,** shaving, and consuming products of the vine. The Gemara infers: **That which emerges from the vine, yes,** it is included in the prohibition; however, any part of **the vine itself,** other than its fruit, **no,** this is not forbidden. The Gemara comments: **The mishna is not in accordance with** the opinion of **Rabbi Elazar.** This is **as it is taught** in a *baraita* that **Rabbi Elazar says: Even** the **leaves and tendrils**[NB] of the vine **are included** in the prohibitions of naziriteship.

אִיכָּא דְּאָמְרִי לָהּ אַסֵּיפָא: אֵינוֹ חַיָּיב אֶלָּא עַד שֶׁיֹּאכַל מִן הָעֲנָבִים כַּזַּיִת. מִן הָעֲנָבִים – אִין, מֵהַגֶּפֶן עַצְמוֹ – לָא. מַתְנִיתִין דְּלָא כְּרַבִּי אֶלְעָזָר, דְּתַנְיָא, רַבִּי אֶלְעָזָר אוֹמֵר: אֲפִילּוּ עָלִין וְלוּלָבִין בְּמַשְׁמַע.

Some say this statement with regard **to the latter clause** of the mishna: **He is liable** to receive lashes **only if he eats an olive-bulk of the grapes.** The Gemara infers: If he eats **from the grapes, yes,** he is liable, but if he eats **from the vine itself, no,**[H] he is not liable. If so, **the mishna is not in accordance with** the opinion of **Rabbi Elazar.** This is **as it is taught** in a *baraita* that **Rabbi Elazar says: Even** the **leaves and tendrils are included** in the prohibition.

בְּמַאי קָמִיפַלְגִי? רַבִּי אֶלְעָזָר דָּרֵישׁ רִיבּוּיֵי וּמִיעוּטֵי, רַבָּנַן דָּרְשִׁי כְּלָלֵי וּפְרָטֵי. רַבִּי אֶלְעָזָר דָּרֵישׁ רִבּוּיֵי וּמִיעוּטֵי: ״מִיַּיִן וְשֵׁכָר יָזִיר״ – מִיעֵט. ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״ – רִיבָּה.

The Gemara asks: **With regard to what do** Rabbi Elazar and the Rabbis **disagree;** what is the basis of their dispute? The Gemara explains: **Rabbi Elazar interprets** the verses employing the hermeneutical principle of **amplifications and restrictions,**[N] while **the Rabbis interpret** them employing the hermeneutical principle of **generalizations and details.** The Gemara clarifies: **Rabbi Elazar interprets** the verses employing the principle of **amplifications and restrictions,** as the phrase: "**He shall abstain from wine and strong drink**" (Numbers 6:3), **restricts** the prohibition to wine and strong drink, and the subsequent phrase: "**Anything that is made of the grapevine**" (Numbers 6:4), **amplifies** the prohibition.

מִיעֵט וְרִיבָּה – רִיבָּה הַכֹּל. מַאי רִיבָּה – רִיבָּה כָּל מִילֵּי, מַאי מִיעֵט – מִיעֵט שְׁבִישְׁתָּא.

The Gemara elaborates: In this manner, the Torah **restricts and amplifies,** which, according to the principles of exegesis, **amplifies** and includes virtually **all** substances. **What** does it **amplify** and include? It **amplifies** and includes **all matters** and substances that come from the vine. **What** does it **restrict?** After all, the phrase "He shall abstain from wine and strong drink" must be excluding something. According to this interpretation, the verse **restricts** only one part of a vine, **the branches.** A nazirite who eats the branches of the vine has not committed a transgression.

וְרַבָּנַן דָּרְשִׁי כְּלָלֵי וּפְרָטֵי: ״מִיַּיִן וְשֵׁכָר יָזִיר״ – פְּרָט. ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״ – כְּלָל. ״מֵחַרְצַנִּים וְעַד זָג״ – חָזַר וּפָרַט. פְּרָט וּכְלָל וּפְרָט – אִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט. מָה הַפְּרָט מְפוֹרָשׁ – פְּרִי וּפְסוֹלֶת פְּרִי, אַף כֹּל – פְּרִי וּפְסוֹלֶת פְּרִי.

And conversely, **the Rabbis interpret** the verses employing the principle of **generalizations and details,** as the phrase "**He shall abstain from wine and strong drink**" (Numbers 6:3) is an example of **a detail,** the phrase "**anything that is made of the grapevine**" (Numbers 6:4) is **a generalization,** and when the verse continues: "**From pits to grape skin,**" it has given an example of **a detail again.** This is **a detail, and a generalization, and a detail.** According to this exegetical method, **you may deduce** that the verse is referring **only** to items **similar to the detail: Just as** the items mentioned in **the detail** are clearly **defined as a fruit or fruit waste,** i.e., grape seeds or skins, **so too, everything** forbidden by the generalization is **a fruit or fruit waste,**[H] but not leaves or tendrils, as maintained by Rabbi Elazar.

אִי מָה הַפְּרָט מְפוֹרָשׁ פְּרִי גָּמוּר, אַף כֹּל פְּרִי גָּמוּר! אָמַרְתְּ: אִם כֵּן מָה הִנִּיחַ לְךָ הַכָּתוּב בְּמַשְׁמָעוֹ שֶׁלֹּא אָמָרוֹ? עֲנָבִים לַחִים וְיבֵשִׁים – הָא כְּתִיבִי, יַיִן וְחוֹמֶץ – הָא כְּתִיבִי! הָא אֵין עָלֶיךָ לָדוּן כְּלָשׁוֹן אַחֲרוֹן אֶלָּא כְּלָשׁוֹן רִאשׁוֹן.

The Gemara asks: **If** so, one can suggest an alternative derivation: **Just as** the items mentioned in **the detail** are clearly **defined as a complete,** i.e., ripe, **fruit, so too, everything** forbidden must be **a complete fruit,** excluding unripe fruit. Why, according to the Rabbis, are unripe grapes included in the prohibition? **You** will **say** the following counterargument: **If so, what has the verse left you** to derive **from its meaning that it has not stated?** If you say **grapes and raisins,** these are explicitly **written;** if you say **wine and vinegar,** these are also **written.** What, then, does the generalization come to add? Evidently, **you cannot learn in accordance with the last version,** which excludes unripe fruit; **rather,** you must learn **in accordance with the first version,** which includes this fruit and excludes only leaves and tendrils.

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וּמֵאַחַר שֶׁסּוֹפֵינוּ לְרַבּוֹת כָּל דָּבָר, מַה תַּלְמוּד לוֹמַר ״מֵחַרְצַנִּים וְעַד זָג״? לוֹמַר לְךָ: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא פְּרָט וּכְלָל – אֵי אַתָּה רַשַּׁאי לְמָשְׁכוֹ וּלְדוֹנוֹ כְּעֵין הַפְּרָט,

The Gemara asks: **And as we eventually include everything** that is similar to the detail of fruit and the waste of fruit, **what** is the meaning when **the verse states: "From pits to grape skin"?** This serves **to tell you** a general principle of exegesis that applies throughout the Torah: **Wherever you find** only **a detail and a generalization, you cannot broaden it and learn** that the generalization is limited to be **like the detail,** by saying that the generalization merely clarifies the previous detail.

אֶלָּא נַעֲשֶׂה כְּלָל מוֹסֵף עַל הַפְּרָט, עַד שֶׁיְּפָרוֹט לְךָ הַכָּתוּב כְּדַרְכְּךָ שֶׁפָּרַט לְךָ בִּנְזִיר.

Rather, the generalization becomes added to the detail so that it includes all matters, even those dissimilar to the detail, **until the verse specifies**[N] and adds another detail after the generalization, **in the manner that it specified with regard to a nazirite,** by inserting the phrase "from pits to grape skin" after "anything that is made of the grapevine." The exegetical method of: A detail, a generalization, and a detail, means that the generalization includes only something that is similar to the detail. In this particular example, leaves and tendrils are excluded.

אָמַר מָר: מַה הַפְּרָט מְפוֹרָשׁ – פְּרִי וּפְסוֹלֶת פְּרִי, אַף כֹּל – פְּרִי וּפְסוֹלֶת פְּרִי. פְּרִי – עִינְבֵי, פְּסוֹלֶת פְּרִי מַאי הִיא – חוֹמֶץ.

The Gemara analyzes the details of this *baraita*. **The Master said** above: **Just as** the items mentioned in **the detail** are clearly **defined as a fruit or fruit waste, so too everything** forbidden to the nazirite by the Torah is **a fruit or fruit waste.** The Gemara clarifies: **The fruit** mentioned by the Torah is **grapes. What is fruit waste? Vinegar,** as in the verse: "He shall drink no vinegar of wine or vinegar of strong drink" (Numbers 6:3).

״אַף כֹּל פְּרִי״ מַאי הִיא – גּוֹהֲרֵקִי. ״אַף כֹּל״ דִּפְסוֹלֶת פְּרִי – מַאי הִיא? אֲמַר רַב כָּהֲנָא: לְאֵיתוּיֵי עִינְבֵי דִּכְרִין. ״וְעַד זָג״, אֲמַר רָבִינָא, לְאֵיתוּיֵי דְּבֵין הַבֵּינַיִם.

What is the statement: **So too everything** forbidden by the generalization is **a fruit,** serving to include? It serves to include **unripe**[HN] grapes. And **what is** the statement: **So too everything,** forbidden by the generalization is a fruit or fruit waste, stated with regard **to fruit waste,** serving to include? Which fruit waste unspecified by the verse is added by means of this derivation? **Rav Kahana said:** This serves **to include grapes that have become wormy.**[N] With regard to the phrase "from pits **to grape skin,**" **Ravina said:** This serves **to include** the part of the fruit **that** is **in between**[N] the seeds and the skin.

אָמַר מָר: [אִי] מַה הַפְּרָט מְפוֹרָשׁ פְּרִי גָּמוּר – אַף כֹּל פְּרִי גָּמוּר! אָמַרְתָּ: אִם כֵּן מַה הִנִּיחַ הַכָּתוּב בְּמַשְׁמָעוֹ שֶׁלֹּא אֲמָרוֹ, עֲנָבִים לַחִים וְיבֵשִׁים – הָא כְּתִיבִי, יַיִן וְחוֹמֶץ – הָא כְּתִיבִי! הָא אֵין עָלֶיךָ לָדוּן כְּלָשׁוֹן אַחֲרוֹן אֶלָּא כְּלָשׁוֹן רִאשׁוֹן. וּמֵאַחַר שֶׁסּוֹפֵינוּ לְרַבּוֹת כָּל דָּבָר, מַה תַּלְמוּד לוֹמַר ״מֵחַרְצַנִּים וְעַד זָג״ – לוֹמַר לְךָ: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא פְּרָט וּכְלָל – אִי אַתָּה רַשַּׁאי לְמָשְׁכוֹ וּלְדוֹנוֹ כְּעֵין הַפְּרָט, אֶלָּא נַעֲשֶׂה כְּלָל מוֹסֵף עַל הַפְּרָט, עַד שֶׁיְּפָרוֹט לְךָ הַכָּתוּב

The Gemara continues to analyze the *baraita*, which it cites at length. **The Master said** above: **If** so, **just as** the items mentioned in **the detail** are clearly **defined as a complete fruit, so too everything** is **a complete fruit. You say: If so, what has the verse left you** to derive **from its meaning that it has not stated? Grapes and raisins,** these are **written; wine and vinegar,** these are **written. You cannot learn in accordance with the last version; rather,** you must learn **in accordance with the first version. And as we eventually include everything, what** is the meaning when **the verse states: "From pit to grape skin"?** This serves **to tell you** that **wherever you find a detail and a generalization, you cannot broaden it and learn** that the generalization is limited to be **like the detail; rather, the generalization becomes added to the detail, until the verse specifies for you**

HALAKHA

Unripe – גּוֹהֲרֵקִי: A nazirite who ate unripe grapes is liable to receive lashes, as they are also considered the fruit of the vine (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:2).

NOTES

Until the verse specifies – עַד שֶׁיְּפָרוֹט לְךָ הַכָּתוּב: This is a paradigmatic example of the difference between a detail and a generalization, as opposed to a detail, a generalization, and a detail. If there is only a detail and a generalization, then the generalization is the decisive factor, and one includes everything implied by that generalization.

Unripe – גּוֹהֲרֵקִי: Most commentaries maintain that this means unripe grapes (see *Tosafot* and Rosh). Others claim that it refers to the small grapes found between the larger ones, but which are too small to reach a fully ripened state (Commentary on *Nazir*; see *Arukh*).

Grapes that have become wormy – עִינְבֵי דִּכְרִין: There are many textual variants of this term. Some commentaries maintain that it refers to grapes that have become wormy (Commentary on *Nazir*; *Tosafot*), whereas others claim that it means grapes that have gone sour (Rabbi Avraham min HaHar; Meiri).

In between – בֵּין הַבֵּינַיִם: Some commentaries explain that this refers to the fruit itself, specifically the part which is neither the skin nor the seeds. Others maintain that it means the small grapes lying between larger ones, as these grapes are unripe (Rabbeinu Tam). Yet others contend that it refers to the portion of the fruit that remains after the grapes have been pressed, which is inedible (Rabbi Avraham min HaHar; Commentary on *Nazir*).

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כְּדֶרֶךְ שֶׁפֵּרַט לְךָ בִּנְזִיר ״מֵחַרְצַנִּים וְעַד זָג״. וּלְרַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה, דְּקָא מוֹקִים לְהַאי ״מֵחַרְצַנִּים וְעַד זָג״ לוֹמַר שֶׁאֵינוֹ חַיָּיב עַד שֶׁיֹּאכַל שְׁנֵי חַרְצַנִּים וְזָג, פְּרָט מִנָּא לֵיהּ? סָבַר לָהּ כְּרַבִּי אֶלְעָזָר, דְּדָרֵישׁ מִיעֵט וְרִיבָּה.

in the manner that it specified with regard to a nazirite: "From pits to grape skin" (Numbers 6:4). The Gemara asks: **And according to** the opinion of **Rabbi Elazar ben Azarya, who establishes this** verse: **"From pits to grape skin"** (Numbers 6:4), as serving **to say that** a nazirite **is liable only if he eats two grape seeds and a grape skin,** if so **from where does he** derive **the detail?**[N] It is unclear how he applies this method of a detail, a generalization, and a detail, as according to his interpretation, the phrase "from pits to grape skin" does not serve to limit the previous generalization but to state a different *halakha*. The Gemara answers: Rabbi Elazar ben Azarya **holds in accordance with** the opinion of **Rabbi Elazar, who interprets** this by saying that a verse **restricts and amplifies.**

וְאִי בָּעֵית אֵימָא: כְּרַבָּנַן. דְּאִי סָלְקָא דַּעְתָּךְ כִּדְאָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה – לִיכְתְּבֵיהּ רַחֲמָנָא לְהַאי ״מֵחַרְצַנִּים וְעַד זָג״ גַּבֵּי פְּרָטֵי, לְמַאי הִלְכְתָא כְּתָבֵיהּ בָּתַר כֹּלָּל – שְׁמַע מִינָּהּ לְמִידַּיְינֵיהּ בִּכְלָל וּפְרָט.

And if you wish, say instead that Rabbi Elazar ben Azarya holds **in accordance with** the opinion of **the Rabbis**[N] that this is a case of a detail, a generalization, and a detail. **As, if it should enter your mind** that the verse is merely teaching that **which was stated** by **Rabbi Elazar ben Azarya, let the Merciful One write this** phrase: **"From pits to grape skin," alongside** the other **details** of wine and vinegar. **For what *halakha* did** the Torah **write:** "From pits to grape skin," **after the generalization? Conclude from it that** you should **derive** this *halakha* **by** means of the method of **a generalization and a detail.**

וְאֵימָא כּוּלֵּיהּ לְהָכִי הוּא דְּאָתָא. אִם כֵּן לִכְתּוֹב אוֹ שְׁנֵי חַרְצַנִּים אוֹ שְׁנֵי זַגִּים אוֹ חַרְצָן וְזָג, לְמַאי הִלְכְתָא כָּתַב רַחֲמָנָא ״מֵחַרְצַנִּים וְעַד זָג״ – שְׁמַע מִינָּהּ לְמִידְרַשׁ בֵּיהּ כְּלָל וּפְרָט, וְאֵיכָּא נַמִי לְמִידְרַשׁ בֵּיהּ: עַד שֶׁיֹּאכַל שְׁנֵי חַרְצַנִּים וְזָג.

The Gemara asks: **But** if so, you can **say** that the **entire** phrase **comes** only **for this** purpose, for a generalization and a detail, and Rabbi Elazar ben Azarya should not derive his *halakha*, that a nazirite is liable only if he eats two grape seeds and a grape skin, from this verse at all. The Gemara answers that Rabbi Elazar ben Azarya would say: **If so, let** the Torah **write either two grape seeds**[N] **and two grape skins,** with both terms in the plural, **or a grape seed and a grape skin,** with both terms in the singular. **For what *halakha* did the Merciful One write: "From pits to grape skin"? Learn from it** that one should **interpret it** in the manner of **a generalization and a detail, and** one **can also interpret** from **it** that a nazirite is liable **only if he eats two grape seeds and a grape skin.**

וְרַבִּי אֶלְעָזָר, דְּדָרֵישׁ מִיעֵט וְרִיבָּה, פְּרָט מִנָּא לֵיהּ? וְכֹלָּל וּפְרָט מִנָּא לֵיהּ?

The Gemara asks: **And Rabbi Elazar, who interprets** by the method of **restriction and amplification** that even tendrils and the leaves of a grapevine are included in the prohibition, **from where does he** derive the method of **a detail, a generalization, and a detail?**

אָמַר רַבִּי אַבָּהוּ: נָפְקָא לֵיהּ מֵהַאי קְרָא: ״וְכִי יִתֵּן אִישׁ אֶל רֵעֵהוּ חֲמוֹר אוֹ שׁוֹר אוֹ שֶׂה״ – פְּרָט; ״וְכָל בְּהֵמָה״ – כְּלָל; ״לִשְׁמוֹר״ – חֲזַר וּפְרַט. פְּרָט וּכְלָל וּפְרָט – אִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט.

Rabbi Abbahu says: He derives it from this verse, which deals with a bailee: **"And if a man deliver to his neighbor a donkey, or an ox, or a sheep,** or any animal to guard, and it dies… the oath of the Lord shall be between them both" (Exodus 22:9). The phrase "a donkey, or an ox, or a sheep" is **a detail; "or any animal"** is **a generalization** that includes all animals; and in the phrase **"to guard"**[N] the Torah **detailed again.** This is **a detail, and a generalization, and a detail.** In this case, **you may deduce** that the verse is referring **only** to items **similar to the detail;** i.e., items that can be guarded.

רָבָא אָמַר: נָפְקָא לֵיהּ מֵהַאי קְרָא ״וְאִם מִן – פְּרָט; ״הַצֹּאן״ – כְּלָל; ״כְּבָשִׂים וְעִזִּים״ – חֲזַר וּפְרַט.

Rava said: Rabbi Elazar **derives** the method of a detail, a generalization, and a detail **from this verse:** "And if his offering is from the flock, whether of the sheep or of the goats, for a burnt-offering, he shall offer it a male without blemish" (Leviticus 1:10). The phrase "**and if** his offering is **from**" is **a detail,** as it indicates part but not all of something, **"the flock"**[N] is **a generalization** that includes animals that have been used sinfully, and when it stated: **"Sheep," and: "Goats,"** the Torah has **detailed again.**

פְּרָט וּכְלָל וּפְרָט – אִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט.

This is **a detail, and a generalization, and a detail,** and therefore **you may deduce** that the verse is referring **only** to items **similar to the detail.** The details teach that only animals that copulated with a person may not be brought as offerings.

NOTES

From where does he derive the detail – פְּרָטָא מְנָא לֵיהּ: The Rabbis do not learn a specific *halakha* from the verse "from pits to grape skin" (Numbers 6:4). Rather, they derive from here the general methodology of a detail, a generalization, and a detail.

And if you wish, say in accordance with the Rabbis – וְאִי בָּעֵית אֵימָא, כְּרַבָּנַן: In other words, Rabbi Elazar ben Azarya interprets the verses in the same manner as the Rabbis. However, he maintains that one derives two matters from the phrase "from pits to grape skin." First, he learns the methodology of a detail, a generalization, and a detail, which he derives from the fact that this phrase is written after the generalization rather than alongside the other details. Second, he learns the additional *halakha* that a nazirite is liable for consuming two seeds and a skin eaten together.

Let it write either two grape seeds, etc. – לִכְתּוֹב אוֹ שְׁנֵי חַרְצַנִּים וכו׳: In other words, if the verse was merely teaching that seeds and skins are forbidden parts of the grape, it should have stated both of them either in the plural or the singular. The fact that it states: "From pits to grape skin," indicates that it is referring to a single fruit. Apparently, the Rabbis reject this proof by claiming that the verse is simply speaking of the usual case, as a grape has one skin and several seeds.

Or any animal…to guard, etc. – וְכָל בְּהֵמָה...לִשְׁמוֹר וכו׳: Some commentaries explain that the generalization of "or any animal" refers to all creatures that can be called animals, including undomesticated animals such as bears and lions. The addition of "to guard" teaches that the verse is dealing only with animals that can be guarded, which excludes undomesticated animals (Commentary on *Nazir*; see *Tosafot*). Others maintain, in keeping with alternative versions of the text, that this verse teaches that the oath of the bailee applies only to movable items, not to land.

And if… from the flock, etc. – וְאִם מִן...הַצֹּאן וכו׳: Some commentaries explain this exposition in the following manner: "And if his offering is from," excludes an animal that has been used for a transgression; the generalization "the flock" indicates that the entire flock is included, even an animal that has been used in that manner; and the last detail "whether of the sheep or of the goats" means that the generalization includes only animals similar to the detail, i.e., those which have not been used for a transgression. In other words, the generalization teaches that if the transgression in question does not involve the body of the animal itself, e.g., an animal used for bestiality, but it was merely utilized in the performance of a sin, such as Shabbat desecration, or if it was harnessed for plowing with another animal, it may be sacrificed (Commentary on *Nazir*).

Other commentaries are puzzled by this explanation, as there is no reason to think that the phrase "whether of the sheep or of the goats" refers to animals used for a transgression at all (*Tosafot*; Rosh). They therefore explain that this teaches that a ram, i.e., a male sheep in its second year, can be sacrificed as a burnt-offering as well as a lamb, which generally refers to an animal in its first year. Meanwhile, the detail teaches that one may not sacrifice a blemished animal or a *tereifa*, an animal with a wound that will cause it to die within twelve months (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

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אֲמַר לֵיהּ רַב יְהוּדָה מִדִּיסְקַרְתָּא לְרָבָא: וְלֵילַף מִן הָדֵין קְרָא: ״מִן״ – פְּרָט; ״הַבְּהֵמָה״ – כְּלָל; ״בָּקָר״ וְ״צֹאן״ – חָזַר וּפְרַט. פְּרָט וּכְלָל וּפְרָט – אִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט.

Rav Yehuda of Diskarta said to Rava: And let Rabbi Elazar **derive** the method of a detail, a generalization, and a detail **from this** earlier **verse,** which appears in the same chapter: "From animals, from the herd or from the flock, you shall bring your offering" (Leviticus 1:2), in the following manner: **"From"** is **a detail** that excludes an undomesticated animal; **"animals"**[N] is **a generalization** which includes undomesticated animals (see Deuteronomy, chapter 14); and when it states: **"Herd," and: "Flock,"** the Torah **has detailed again.** This is **a detail, and a generalization, and a detail,** and therefore **you may deduce** that the verse is referring **only** to items **similar to the detail,** i.e., domesticated animals.

אֲמַר לֵיהּ: מִן הַאי לֵיכָּא לְמִשְׁמַע מִינָּהּ, דְּאִי מֵהָתָם הֲוָה אָמִינָא: ״הַבְּהֵמָה״

Rava **said to** Rav Yehuda of Diskarta: One **cannot derive** the method of a detail, a generalization, and a detail **from this** verse, **as if** the source were **from there, I would say** the phrase **"animals"**

NOTES

From is a detail, animals, etc. – מִן פְּרָט, הַבְּהֵמָה וכו׳: Some commentaries explain that the term "from" excludes undomesticated animals, while the inclusion of "animals" teaches that burnt-offerings can be from animals that are older or younger than those specified by the Torah for other offerings (Commentary on *Nazir*). Others maintain that the verse includes a wild ox, which is not kept alongside other domestic animals, and therefore might not be considered part of the herd. Nevertheless, as it is classified as a domesticated animal, it may be sacrificed as an offering.

Perek **VI**
Daf **35** Amud **b**

חַיָּה בִּכְלָל בְּהֵמָה.

is referring even to undomesticated animals, as **an undomesticated animal is included** in the general category of **animal.**[H]

אֲמַר לֵיהּ: חַיָּה בִּכְלָל בְּהֵמָה? הָא כְּתִיב ״בָּקָר״ וְ״צֹאן״, וַהֲוָה לֵיהּ פְּרָט וּכְלָל, וְאִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט.

Rav Yehuda of Diskarta **said to** Rava: How can you suggest that in this verse **an undomesticated animal is included** in the general category of **animal?** It is **written: "Herd" and: "Flock,"**[N] **and this** entire phrase **is a detail, and a generalization,** and a detail, from which **you may deduce** that the verse is referring **only** to items **similar to the detail,** which are herd and flock, not undomesticated animals.

וּמְנָלַן דְּהָכִי הוּא – דְּתַנְיָא:

§ The Gemara asks: **And from where do we** derive **that it is so,**[N] that in the methodology of generalizations and details, the generalizations are similar to the details? It is **as it is taught** in a *baraita*: The verse states with regard to the mitzva to bring money for the second tithe[B] to Jerusalem: "And you shall bestow the money on all that your heart desires, on cattle, on sheep, on wine, and on strong drink, and on whatever your soul requests" (Deuteronomy 14:26).

HALAKHA

An undomesticated animal is included in the category of animal – חַיָּה בִּכְלָל בְּהֵמָה: An undomesticated animal is considered like a domesticated animal with regard to the prohibition against eating blood. However, the blood of repugnant creatures, creeping animals, fish, and grasshoppers, all of which are not categorized as animals, is not included in this prohibition (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 6:1).

BACKGROUND

Second tithe – מַעֲשֵׂר שֵׁנִי: The second tithe was a tenth of the produce that remained after *teruma* had been given to the priests and the first tithe had been given to the Levites. It was separated during the first, second, fourth, and fifth years of the Sabbatical cycle. After the second tithe was set aside, it was brought to Jerusalem to be consumed there by its owner. If the journey to Jerusalem was long, making it difficult to carry all the second tithe there, or if the produce became ritually impure, it could be redeemed for an equivalent sum of money. If the owner redeemed his own produce he had to add one-fifth of its value. This redemption money was brought to Jerusalem, where it could be spent only on food.

NOTES

It is written, herd and flock – הָא כְּתִיב בָּקָר וְצֹאן: In other words, although undomesticated animals are generally included in the term animal, this detail excludes undomesticated animals. Furthermore, if undomesticated animals are excluded by the second detail, they are excluded by the first detail (*Tosafot*).

And from where do we derive that it is so – וּמְנָלַן דְּהָכִי הוּא: Some commentaries explain: How do we know that in the case of a detail, a generalization, and a detail, the verse is referring only to items similar to the detail (Commentary on *Nazir*)? According to this interpretation, the question is in accordance with the opinion of the Rabbis, who derive the verse written concerning the nazirite by the method of generalizations and details (*Tosafot*). However, this explanation entails several difficulties. Why does the Gemara answer by citing a new example, when it has just mentioned several instances of a detail, a generalization, and a detail? Some commentaries answer that the Gemara wanted to cite a case involving a dispute between the Rabbis, who employ a generalization and a detail, and Rabbi Elazar, who interprets the same verse as involving amplifications and restrictions (Rabbeinu Azriel, cited in *Shita Mekubbetzet*; see *Eiruvin* 27b).

Another fundamental difficulty is that the Gemara initially inquires about the method of a detail, a generalization, and a detail, and yet the proof it cites refers to a generalization, a detail, and a generalization. Some say that because these two methods are similar, as they differ only in minor aspects, one can derive one from the other (Rosh; see Meiri and Rid). Rabbeinu Peretz maintains that this entire line of questioning is problematic, as the method of a generalization, a detail, and a generalization is one of Rabbi Yishmael's thirteen principles of exegesis listed in the introduction to *Torat Kohanim*, the Midrash to Leviticus, and it clearly states there that the case of a detail, a generalization, and a detail refers only to that which was specified in the detail. Why, then, is the Gemara puzzled by this exegetical principle? He answers that the Gemara is not addressing the basic assertion that a case of detail, a generalization, and a detail is treated like the detail. Rather, it is referring to a specific feature of this principle: From where we derive that this exposition includes even items that are similar to the detail in only one or two aspects, as stated by the Gemara later.

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"וְנָתַתָּ הַכֶּסֶף בְּכֹל אֲשֶׁר תְּאַוֶּה נַפְשֶׁךָ" – כְּלָל; "בַּבָּקָר וּבַצֹּאן וּבַיַּיִן וּבַשֵּׁכָר" – פְּרָט; "וּבְכֹל אֲשֶׁר תִּשְׁאָלְךָ נַפְשֶׁךָ" – חָזַר וְכָלַל.

The *baraita* elaborates: The phrase **"And you shall bestow the money on all that your heart desires"** is **a generalization,** as no particular type of food is specified. The phrase **"on cattle, on sheep, on wine, and on strong drink"** is **a detail,** as specific foods are mentioned. And when the verse concludes: **"On whatever your soul requests,"** it **then generalized** again, as no specific type of food is stated.

כְּלָל וּפְרָט וּכְלָל אִי אַתָּה דָּן אֶלָּא כְּעֵין הַפְּרָט; מָה הַפְּרָט מְפוֹרָשׁ: פֵּרוֹת מִפְּרִי וְגִידּוּלֵי קַרְקַע – אַף כָּל פֵּרוֹת מִפְּרִי וְגִידּוּלֵי קַרְקַע.

Since the verse is formulated as **a generalization, and a detail, and a generalization, you may deduce** that it is referring **only** to items **similar to the detail. Just as** the items mentioned in **the detail** are clearly **defined as the produce of produce,**[H] i.e., not only the produce itself but also items that come from it, such as grapes from a seed, **and** they are also items **grown from the ground,** as all of these items grow from the ground or receive their main sustenance from it, **so too,** the generalization includes **all** items that are **the produce of produce and are grown from the ground.** This includes birds, but it does not include fish, water, or salt.

מִכְּדִי, כְּלָל וּפְרָט וּכְלָל – כְּעֵין פְּרָטָא דָּיְינִינַן, כְּלָלָא בַּתְרָא מַאי אַהֲנֵי? אַהֲנֵי לְאוֹסוּפֵי כָּל דְּדָמֵי לֵיהּ.

§ The Gemara discusses a series of problems with regard to these and other methods of halakhic exegesis: **Now,** in the case of **a generalization, and a detail, and a generalization, one derives** that all items which are **like the detail** are included. However, if that is so, **what purpose does the last generalization** stated in the verse serve? The same conclusion would be reached if the verse had stated merely a generalization and a detail. The Gemara answers: The **purpose** of the last generalization is **to add all that is similar to it,** i.e., even those articles or cases not explicitly listed among the details.

וְתוּ: פְּרָט וּכְלָל וּפְרָט – כְּעֵין הַפְּרָט דָּיְינִינַן, פְּרָטָא בַּתְרָאָה מַאי אַהֲנֵי? אִי לָאו פְּרָטָא בַּתְרָאָה הֲוָה אָמִינָא נַעֲשָׂה כְּלָל מוֹסֵף עַל הַפְּרָט.

And furthermore, in the case of **a detail, and a generalization, and a detail, one** again **derives** that all items which are **like the detail** are included. If so, **what purpose does the last detail** stated in the verse serve? The same conclusion would apply if there was simply a detail and a generalization. The Gemara answers: **If** it were **not** for **the last detail, I would say** that **the generalization becomes added to the detail,** which is broadened in all possible ways. Therefore, the last detail limits the generalization to items or cases that are similar to the detail.

וּמִכְּדִי, תְּרֵין כְּלָלֵי וּפְרָטָא, וּתְרֵין פְּרָטֵי וּכְלָלָא – (כְּלָלָא) כְּעֵין פְּרָטָא דָּיְינִינַן, מַאי אִיכָּא בֵּינֵי וּבֵינֵי?

The Gemara continues this line of questioning. **And now** that it has been established that both with regard to **two generalizations and a detail,** i.e., a generalization, a detail, and a generalization, **and two details and a generalization,** i.e., a detail, a generalization, and a detail, **one derives** that all items that are **like the detail** are included, **what** difference **is there between this** method **and that** one? The two methods are apparently identical.

אִיכָּא, דְּאִילּוּ תַּרְתֵּין כְּלָלֵי וּפְרָטָא, אִי אִיכָּא פְּרָטָא דְּדָמֵי לֵיהּ אֲפִילּוּ בְּחַד צַד – מְרַבִּינַן. תְּרֵי פְּרָטֵי וּכְלָלָא, אִי אִיכָּא פְּרָטָא דְּדָמֵי מִשְּׁנֵי צְדָדִין – מְרַבִּינַן, בְּחַד צַד – לָא מְרַבִּינַן.

The Gemara answers: **There is** a difference between them, **as whereas** in a case of **two generalizations and a detail, if there is** another **detail that is similar to** the detail specified in the verse **even in one aspect, one includes** it, due to the two generalizations. By contrast, in the case of **two details and a generalization, if there is** another **detail that is similar to** the one mentioned in the verse **in two aspects, one includes it.** However, if it is similar **in** only **one aspect one does not include** it, as the *halakha* is limited by two details.

מִכְּדִי פְּרָט וּכְלָל – נַעֲשֶׂה כְּלָל מוֹסֵף עַל הַפְּרָט, וְאִיתְרַבֵּי כָּל מִילֵּי, וּמִיעֵט וְרִיבָּה נַמִּי – רִיבָּה הַכֹּל וְאִיתְרַבֵּי כָּל מִילֵּי. מַאי אִיכָּא בֵּין מִיעֵט וְרִיבָּה לִפְרָט וּכְלָל?

The Gemara asks another question: **Now,** in the method of **a detail and a generalization, the generalization becomes added to the detail, and all matters are included** by the generalization. **And** the method of **restriction and amplification also amplifies** and includes **everything, and** therefore **all matters are included** in both cases. If so, **what** difference **is there between** the method of **restriction and amplification**[N] **and** that of **a detail and a generalization?**

HALAKHA

Produce of produce, etc. – פֵּרוֹת מִפְּרִי וכו': One may use second-tithe money to buy only items that are fit to be eaten by people and that are grown from the ground or that grow from something that grows from the ground. In other words, they must be similar to the examples stated in the Torah (Deuteronomy 14:26): Flock, herd, wine, and strong wine (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Sheni* 7:3).

NOTES

What difference is there between restriction and amplification, etc. – מַאי אִיכָּא בֵּין מִיעֵט וְרִיבָּה וכו': The Rashba claims in his responsa that the text of this entire passage was corrupted, as there are numerous alternative versions of the text, and he goes so far as to say that no two editions of this Gemara include the exact same text here. There are an especially large number of versions of this section because the standard text presents many difficulties. First, it is generally assumed that the method of amplifications and restrictions leads to *halakhot* of a broader scope than do the methods of details and generalizations, whereas the Gemara here indicates the opposite (see *Tosafot*). The Rashba states that this is not difficult, as it results from an essential difference between the two methods. When a verse is interpreted by means of details and generalizations, either the details limit or nullify the generalization, or the generalization includes the details. Either way there is an inherent connection between the clauses. By contrast, if the verse is interpreted by amplifications and restrictions, each clause is distinct. Consequently, it is possible for the method of a generalization and a detail to include more cases.

Another difficulty is that this passage is apparently self-contradictory, as the Gemara here indicates that if the method of amplifications and restrictions is applied, then only tendrils are included, which is the reverse of the earlier statement of the Gemara (34b) that Rabbi Elazar, who derives the verse written concerning a nazirite employing the method of amplifications and restrictions, includes leaves as well. Various answers have been suggested for this difficulty. Some say that the method of amplifications and restrictions does not in fact lead to the inclusion of leaves and that nevertheless, Rabbi Elazar derived this *halakha* from the phrase: "Anything that is made" (Numbers 6:4), as the term "anything" is an inclusion (Commentary on *Nazir*). Others maintain that the Gemara's statement: Tendrils, yes, they are included in the prohibition, whereas leaves, no, they are not included, should not be taken literally, as it simply means that something is excluded, either leaves or branches (Commentary on *Nazir*; Rabbi Avraham min HaHar). Yet others explain similarly that these leaves are not the same as the ones mentioned earlier, but are hard, inedible leaves, like branches (*Tosafot*).

An entirely different version of the text reads: Whereas the one who interprets by amplifications and restrictions includes even leaves, the one who interprets by details and generalizations says tendrils, yes, leaves, no (*Shita Mekubbetzet*, citing Rama). If this version is accepted, the difficulties enumerated are resolved. Yet another alternative reading is: Whereas the one who interprets by details and generalizations includes even branches, the one who interprets by amplifications and restrictions says: Tendrils, yes; branches, no (Rid).

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אֵיבָא, דְּאִילּוּ פְּרָט וּכְלָל – מְרַבִּינַן אֲפִילּוּ עָלִין וְלוּלָבִין, וּמִיעֵט וְרִיבָּה – לוּלָבִין אִין, עָלִין – לָא.

The Gemara answers: **There is** the following difference, **as whereas** in the method of **a detail and a generalization one includes** and renders forbidden to a nazirite **even leaves and tendrils** of the vine, with the method of **restriction and amplification** one includes less, as **tendrils, yes,** they are included in the prohibition, whereas **leaves, no,** they are not included.

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי יוֹחָנָן: כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה אֵין הֶיתֵּר מְצָטָרֵף לְאִיסּוּר, חוּץ מֵאִיסּוּרֵי נָזִיר, שֶׁהֲרֵי אֲמָרָה תּוֹרָה ״מִשְּׁרַת״.

§ **Rabbi Abbahu says** that **Rabbi Yoḥanan says:** With regard to **all prohibitions that are** written **in the Torah, a permitted** substance **does not combine with a forbidden** substance. If one eats a permitted food with a forbidden food and together they constitute the minimum prohibited measure, he is exempt from punishment for this act of consumption. This principle applies to all *halakhot* **except for the prohibitions of a nazirite,** who is liable for eating a mixture of that kind, **as the Torah said** with regard to a nazirite: "Neither shall he drink anything **soaked**[N] in grapes" (Numbers 6:3). This verse indicates that a nazirite is prohibited from consuming not only wine and vinegar, but also any food that was soaked in these liquids.

NOTES

The Torah said soaked – אֲמָרָה תּוֹרָה מִשְּׁרַת: Most commentaries accept the textual version and explanation of Rashi in tractate *Pesaḥim* (43b), that this *halakha* is derived from the term "soaked." Rashi explains that something which has been soaked in wine is forbidden to a nazirite despite the fact that it is not entirely wine. Alternatively, the amplification "anything" includes a mixture that is not composed solely of forbidden substances (Rabbi Avraham min HaHar; Rabbeinu Ḥananel).

Perek **VI**
Daf **36** Amud **a**

זְעִירִי אָמַר: אַף שְׁאוֹר בְּבַל תַּקְטִירוּ. כְּמַאן, כְּרַבִּי אֶלְעָזָר, דְּדָרֵישׁ ״כָּל״?

Ze'eiri says: Permitted and forbidden substances combine with regard to **the prohibition against offering leaven** on the altar, **as well,**[H] as it states: "For any [*kol*] leaven and any [*kol*] honey shall be offered as a burnt-offering before the Lord" (Leviticus 2:11). This indicates that one is also liable for sacrificing leaven in a mixture in addition to the liability for sacrificing pure leaven. The Gemara asks: **In accordance with whose** opinion did Ze'eiri issue his ruling? It is **in accordance with** the opinion of **Rabbi Eliezer, who derives** from the term ***kol*** in the verse "You shall eat nothing [*kol*] leavened" (Exodus 12:20) that a mixture with part leaven is forbidden on Passover.

אִי הָכִי, לְעִנְיַן חָמֵץ נַמִּי! אִין הָכִי נַמִּי. אֶלָּא לְאַפּוֹקֵי מֵאַבָּיֵי, דְּאָמַר: יֵשׁ הַקְטָרָה בְּפָחוֹת מִכַּזַּיִת, קָא מַשְׁמַע לָן: אֵין הַקְטָרָה בְּפָחוֹת מִכַּזַּיִת.

The Gemara raises a difficulty: **If so,** then with regard **to the matter of leavened bread** on Passover, one should **also** be liable for eating leaven combined with a permitted substance, e.g., less than an olive-bulk of bread soaked in wine, so that the volume is now an olive-bulk. The Gemara answers: **Yes, indeed it is so. Rather,** when Ze'eiri specifies that the prohibition applies with regard to sacrificing leaven in offerings, he meant **to exclude**[N] the statement **of Abaye, who says: There is** significance to **sacrificing less than an olive-bulk** of leaven on the altar, i.e., one is flogged for sacrificing an offering of that kind. By noting that one is liable due to the fact that permitted substances combine with forbidden substances, Ze'eiri **teaches us** that **there is no** significance to **sacrificing less than an olive-bulk,** and therefore this is not punishable by lashes.

HALAKHA

The prohibition against offering leaven as well, etc. – אַף שְׁאוֹר בְּבַל תַּקְטִירוּ וכו': It is prohibited to sacrifice leaven or honey upon the altar. Even a trace amount of these substances invalidates an offering. One who sacrifices an olive-bulk of a mixture containing leaven or honey is flogged (Rambam *Sefer Avoda*, *Hilkhot Issurei Mizbe'aḥ* 5:1–2).

NOTES

Rather, to exclude – אֶלָּא לְאַפּוֹקֵי: Ze'eiri could have stated the *halakha* that permitted food combines with forbidden food with regard to leaven on Passover, but he preferred to mention the *halakha* of burning leaven on the altar because he wanted to take issue with Abaye's opinion. In Abaye's opinion, there is no need to apply the principle that less than an olive-bulk of leaven can combine with unleavened bread, as one is liable if he sacrifices even half an olive-bulk by itself.

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יָתֵיב רַב דִּימִי, וְקָאָמַר לָהּ לְהָא שְׁמַעְתָּא. אֵיתִיבֵיהּ אַבַּיֵי: הַמִּקְפָּה שֶׁל תְּרוּמָה, וְהַשּׁוּם וְהַשֶּׁמֶן שֶׁל חוּלִּין, וְנָגַע טְבוּל יוֹם בְּמִקְצָתָן – פָּסַל אֶת כּוּלָּן. מִקְפָּה שֶׁל חוּלִּין, וְהַשּׁוּם וְהַשֶּׁמֶן שֶׁל תְּרוּמָה, וְנָגַע טְבוּל יוֹם בְּמִקְצָתָן – לֹא פָּסַל אֶלָּא מָקוֹם מַגָּעוֹ.

§ **Rav Dimi sat and stated this *halakha*** of Rabbi Yoḥanan that a permitted substance does not combine with a forbidden substance except in the case of a nazirite. **Abaye raised an objection to his** opinion from a mishna (*Tevul Yom* 2:3): In a case where **the thick soup**[B] was made with produce that had the status **of *teruma***[HB] **but the garlic and oil** therein were **of non-sacred** produce, **and one** who was ritually impure **who immersed that day** and is waiting for nightfall for the purification process to be completed **touched some of** the contents, **he** has **disqualified all** the contents of the pot from being eaten, as it all is considered *teruma* soup. However, if **the thick soup** was made with **produce of non-sacred** status[HN] **but the garlic and the oil** had the status **of *teruma*** produce, **and one who immersed himself that day touched some of them, he** has **disqualified only** the contents in the **place that he touched.**

וְהָוֵינַן בָּהּ: מָקוֹם מַגָּעוֹ אַמַּאי פָּסוּל? וְאָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: מַה טַּעַם – הוֹאִיל וְזָר לוֹקֶה עָלֶיהָ בְּכַזַּיִת.

Abaye continues: **And we discussed** this issue: **Why** are the contents in the **place that he touched disqualified?**[N] Since the primary ingredients of the dish are of non-sacred produce, it should not be disqualified by contact with one who immersed himself that day. **And Rabba bar bar Ḥana says** that **Rabbi Yoḥanan says: What is the reason** that the contents become disqualified? It is **due to** the fact that **a non-priest is flogged for** eating **an olive-bulk** of the soup, as anything into which *teruma* is mixed is considered *teruma* by Torah law.

מַאי טַעְמֵיהּ,

Abaye concludes his question: **What is** Rabbi Yoḥanan's **reason** that one is flogged for eating this mixture?

HALAKHA

Thick soup was made with produce that had the status of *teruma*, etc. – מִקְפָּה שֶׁל תְּרוּמָה וכו׳: With regard to thick soup prepared with *teruma* produce and non-sacred garlic and oil, if one who immersed himself that day touches part of it he has disqualified the entire dish (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 8:12).

The thick soup was made with produce of non-sacred status – מִקְפָּה שֶׁל חוּלִּין: With regard to thick soup prepared with non-sacred produce and whose garlic and oil were *teruma*, if one who immersed himself that day touches part of it he has disqualified only the spot he touched. If the thick soup was mostly garlic, one follows the majority portion, and it is all disqualified (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 8:13).

BACKGROUND

Thick soup [*mikpa*] – מִקְפָּה: From the context it can be inferred that a *mikpa* was a thick stew that contained enough liquid that it could still be poured. It was prepared mainly from grits, crushed seeds from various grains, and was seasoned with garlic and oil.

***Teruma* – תְּרוּמָה:** Whenever the term *teruma* appears without qualification, it refers to the command in the Torah that "the first fruit of your grain, of your wine, and of your oil" (Deuteronomy 18:4) be given to a priest (see Numbers 18:12). The Sages extended the scope of this mitzva, which applies only in Eretz Yisrael, to include all produce. After the first fruits have been separated, a certain portion of the produce must be designated as *teruma* and separated for the priests. The Torah does not specify the amount of *teruma* that must be separated; one may theoretically fulfill his obligation by separating even a single kernel of grain from an entire crop. However, the Sages instituted a recommended measure: One-fortieth of the produce for a generous gift, one-fiftieth for an average gift, and one-sixtieth for a miserly gift. One must separate *teruma* before separating the other tithes. *Teruma* is sacred and may be eaten only by a priest and his household while they are in a state of ritual purity (see Leviticus 22:9–15). If *teruma* becomes ritually impure, it may no longer be eaten and must be burned. Nevertheless, it remains the property of the priest and he may benefit from its burning.

Nowadays, *teruma* is not given to the priests, because they can provide no definite proof of their priestly lineage. Although the obligation to separate *teruma* remains, the *halakha* reverts to Torah law, and only a minuscule portion of the produce is separated in practice.

NOTES

Thick soup was made with produce of non-sacred status, etc. – מִקְפָּה שֶׁל חוּלִּין וכו׳: The Commentary on *Nazir* cites two explanations that serve as the basis for a fundamental dispute between the halakhic authorities. One opinion is that the phrase: Touched some of them, refers to part of the garlic and oil (Rabbeinu Tam). Another opinion is that even if one touches part of the contents of the non-sacred dish, it is considered as though he touched *teruma* as it is all mingled in a single soup (Rashi on *Pesaḥim* 44a). These two opinions also offer competing explanations of the first case, concerning a soup made of *teruma* produce. According to the second interpretation it is clear why the entire dish is invalidated, as it is composed mainly of *teruma* produce. However, this case is somewhat difficult for the first opinion; if it is not considered a unified mixture why should the *teruma* produce be disqualified by virtue of the person touching the garlic and oil? Some explain that although he touched only the non-sacred garlic and oil, since they touch the primary elements of the soup, it is as though he touched the *teruma* itself (Rabbeinu Tam).

Why are they…disqualified – אַמַּאי פָּסוּל: There are alternative versions of the text which correspond to the opinions mentioned in the previous note. According to those who maintain that he touched only the garlic and oil (Rabbeinu Tam), the question is as follows: Since food is susceptible to ritual impurity only if it is at least the volume of an egg-bulk, why should the touch of one who immersed himself that day disqualify garlic and oil that are *teruma*, as these items are generally not the volume of an egg-bulk? Others further state that although the garlic is *teruma*, nevertheless it should be nullified by the non-*teruma* dish (*Tosafot* on *Pesaḥim* 44a, citing Ri). Although there is a general principle that *teruma* is nullified only if it is less than one hundredth of the total, this is a decree of the Sages; by Torah law *teruma* is nullified in a simple majority (Rashi on *Pesaḥim*; *Tosafot*). Alternatively, the Gemara is referring to a case where one touched only soup that was not *teruma*, and the question is why produce that is not *teruma* should be disqualified merely by contact (Meiri on *Pesaḥim*).

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לָאו מִשּׁוּם דְּהֵיתֵי מִצְטָרֵף לְאִיסּוּר? אֲמַר לֵיהּ: לָא, מַאי כַּזַּיִת – דְּאִיכָּא כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס.

Is it **not due to** the fact **that the permitted** substance **combines with the forbidden** substance? This would mean that this principle applies in other areas of Torah law besides naziriteship. Rav Dimi **said to him: No; what** is the meaning of **an olive-bulk** in this mishna? It means **that there is** enough *teruma* in the mixture so that when one eats from the mixture he will consume **an olive-bulk** of *teruma* in the time it takes **to eat a half-loaf** of bread.[B] In that case one is liable to receive a punishment for eating this olive-bulk, as though he ate the *teruma* alone.

וַאֲכִילַת פְּרָס דְּאוֹרַיְיתָא הִיא? אֲמַר לֵיהּ: אִין. אִי הָכִי, אַמַּאי פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּרַבִּי אֶלְעָזָר בְּכוּתָּח הַבַּבְלִי?

Abaye asked him: **But is** eating an olive-bulk in the time it takes **to eat a half-loaf** of bread prohibited **by Torah law,**[NH] and is one flogged for it? Rav Dimi **said to him: Yes.** Abaye asked in response: **If so, why do the Rabbis disagree with Rabbi Eliezer with regard to** eating **Babylonian *kutaḥ*,**[B] a dip that contains bread, on Passover? The Rabbis maintain that one is not punished by Torah law for eating a mixture that contains leaven. Although the Rabbis do not derive from the term "nothing [*kol*]," that leaven in a mixture is forbidden, they should nevertheless hold one liable for eating an olive-bulk of a forbidden substance in the time it takes to eat a half-loaf of bread.

אֲמַר לֵיהּ: הַנַּח לְכוּתָּח הַבַּבְלִי, דְּלֵיכָּא כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס; אִי דְּקָא שָׁרֵיף לֵיהּ מִישְׁרַף – בָּטְלָה דַּעְתּוֹ אֵצֶל כָּל אָדָם, אִי מִשְׁטַר קָא שָׁטַר – לָא מַשְׁכְּחַתְּ כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס.

Rav Dimi **said to** Abaye: **Leave** aside the case of **Babylonian *kutaḥ*, as there is no** possibility that one will consume an **olive-bulk** of the leaven in the time it takes **to eat a half-loaf** of bread. **If** he eats *kutaḥ* in its pure, unadulterated form, **by swallowing** [***shareif***][L] **it** as food, not as a dip, **his intention is** rendered **irrelevant**[N] **by** the opinions of **all** other **people.** It is unusual for a person to eat a pungent dip by itself, and especially so quickly. One receives no punishment for conduct that anomalous. And **if he dips** [***shatar***][L] other food into the *kutaḥ* and eats it, he will **not** be **found** to have consumed **an olive-bulk in** the time it takes **to eat a half-loaf** of bread. Due to the pungency of the dip, one typically adds only a small portion of it to his food.

אֵיתִיבֵיהּ: שְׁתֵּי מְדוּכוֹת, אַחַת שֶׁל תְּרוּמָה וְאַחַת שֶׁל חוּלִּין, וּלְפָנָיו שְׁתֵּי קְדֵירוֹת אַחַת שֶׁל תְּרוּמָה וְאַחַת שֶׁל חוּלִּין, וְנָפְלוּ אֵלּוּ לְתוֹךְ אֵלּוּ – שְׁתֵּיהֶן מוּתָּרוֹת, שֶׁאֵינִי אוֹמֵר: חוּלִּין לְתוֹךְ חוּלִּין נָפְלוּ, וּתְרוּמָה לְתוֹךְ תְּרוּמָה נָפְלָה.

Abaye **raised an objection to** Rav Dimi from a *baraita*: With regard to **two** spice **mortars, one** used **for *teruma*** spices **and one** used **for non-sacred** spices, **before which** were **two pots, one of *teruma*** produce **and** the other **one of non-sacred** produce, **and** the contents of **these** mortars **fell into these** pots, but it is unknown which produce fell into which pot, the contents of **both** pots **are permitted;** the pot containing the *teruma* produce is permitted for a priest and the pot containing non-sacred produce is permitted for all. This is **because I say,** with no definitive proof to the contrary, that the **non-sacred** spices **fell into the non-sacred** produce **and** the ***teruma*** spices **fell into the *teruma*.**

וְאִי סָלְקָא דַּעְתָּךְ כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס דְּאוֹרַיְיתָא – אַמַּאי אָמְרִינַן ״שֶׁאֵינִי אוֹמֵר״?

Abaye explains his objection: **And if it would enter your mind** to say that eating **an olive-bulk** of a forbidden substance in the time it takes **to eat a half-loaf** of bread is prohibited **by Torah law, why do we say** this principle: **Because I say** that the non-sacred spices fell into the non-sacred produce? If the *teruma* spices fell into the pot containing non-sacred produce, one who eats from the mixture will consume an olive-bulk of *teruma* within the time it takes to eat a half-loaf of bread, and he will thereby violate a Torah prohibition. One is not lenient in a case of this kind.

BACKGROUND

In the time it takes to eat a half-loaf of bread – בִּכְדֵי אֲכִילַת פְּרָס: The time it takes to eat a half-loaf of bread serves as a benchmark in many areas of *halakha*. Later authorities debate whether a half-loaf is the size of three egg-bulks or four. Opinions also vary with regard to the length of time of this measure, especially with regard to foods whose time of consumption is not uniform. Opinions as to the duration of this period range from three to nine minutes.

***Kutaḥ* – כּוּתָּח:** *Kutaḥ* was a dip for bread served as an appetizer. It was made from whey, salt, and bread that had fermented to the point of moldiness. This dip was so sharp that it could be eaten only by the Babylonians, who were accustomed to eating it. In the Mishna, it is referred to as Babylonian *kutaḥ*.

NOTES

Is eating an olive-bulk in the time it takes to eat a half-loaf of bread prohibited by Torah law – וַאֲכִילַת פְּרָס דְּאוֹרַיְיתָא הִיא: The commentaries note that it is explicitly taught in a mishna (*Makkot* 13a) that one who eats an olive-bulk in the time it takes to eat a half-loaf of bread is liable to receive lashes and other applicable punishments (*Tosafot*). However, that mishna can be explained as referring to one who eats an olive-bulk of the forbidden substance alone within this stipulated period. Conversely, here the Gemara is dealing with one who eats a mixture of forbidden and permitted food, in which case he might not be liable by Torah law, even if the entire mixture contains an olive-bulk of a forbidden substance.

His intention is rendered irrelevant – בָּטְלָה דַּעְתּוֹ: As this dip is extremely sharp, and it is rare to eat it by itself, most commentaries maintain that one who eats *kutaḥ* in this manner is exempt, as this is an abnormal way of eating (Commentary on *Nazir*). However, others say that since people do not consume *kutaḥ* in this fashion the Sages did not discuss this case, and one who went ahead and ate it in one sitting is liable (*Tosafot*; see Rabbeinu Peretz and Rabbeinu Todros).

LANGUAGE

Swallowing [*shareif*] – שָׁרֵיף: From the Hebrew root meaning swallow, and similar to the Arabic شرب, *shariba*, meaning drink. It is used to describe the consumption of a thick substance that is swallowed, rather than drunk like water.

Dips [*shatar*] – שָׁטַר: An Aramaic term meaning to smear or anoint. In this context it refers to using the *kutaḥ* as a sort of condiment for the bread.

HALAKHA

In the time it takes to eat a half-loaf of bread by Torah law – בִּכְדֵי אֲכִילַת פְּרָס דְּאוֹרַיְיתָא: One who eats an olive-bulk of forbidden food in the time it takes to eat three egg-bulks, the equivalent of a half-loaf of bread, is liable to receive lashes or to be punished by Heaven. This is the case whether he ate this amount of the forbidden food in a mixture or by itself. The same principle applies to positive mitzvot that involve eating: One who eats an olive-bulk in the time it takes to eat a half-loaf of bread has fulfilled his obligation. Some authorities maintain that a half-loaf of bread is the equivalent of four egg-bulks (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:8; 15:3; *Sefer Zemanim*, *Hilkhot Shevitat Asor* 2:4; *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 1:6; *Sefer Hafla'a*, *Hilkhot Nezirut* 5:4; *Sefer Korbanot*, *Hilkhot Shegagot* 6:1; 11:1; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 208:9; 475:6; 612:3).

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אֶלָּא מַאי, הֵיתֵר מִצְטָרֵף לְאִיסּוּר – אַמַּאי אָמְרִינַן ״שֶׁאֲנִי אוֹמֵר״? אֶלָּא, הַנַּח לְתִרוּמַת תַּבְלִין, דְּרַבָּנַן הִיא.

Rav Dimi said to him: **Rather, what** will you say? That the **permitted** substance **combines with the forbidden** substance? But if so, one can still ask **why we say** this principle: **Because I say** that the non-sacred spices fell into the non-sacred produce. After all, it is possible that the second mortar contained slightly less than an olive-bulk of *teruma*, and the permitted substance combined with it to form the amount of an olive-bulk. **Rather, leave** aside the case of ***teruma*** separated **from spices,** which **is** *teruma* **by rabbinic law.**[H] By Torah law one is required to separate *teruma* only from grain, wine, and oil. The Sages are lenient with regard to *teruma* by rabbinic law.

אֵיתִיבֵיהּ: שְׁתֵּי קוּפּוֹת, אַחַת שֶׁל תְּרוּמָה וְאַחַת שֶׁל חוּלִּין, וְלִפְנֵיהֶן שְׁתֵּי סְאִין אַחַת שֶׁל חוּלִּין וְאַחַת שֶׁל תְּרוּמָה, וְנָפְלוּ אֵלּוּ לְתוֹךְ אֵלּוּ – שְׁנֵיהֶן מוּתָּרִין, שֶׁאֲנִי אוֹמֵר: חוּלִּין לְתוֹךְ חוּלִּין נָפְלוּ, תְּרוּמָה לְתוֹךְ תְּרוּמָה נָפְלָה.

Abaye **raised an objection to** Rav Dimi from a similar *baraita*: There were **two baskets, one** filled **with *teruma* and one** filled **with non-sacred** produce, **and before them** were **two** containers each containing **a *se'a*** of produce, **one of non-sacred** produce **and** the **one of *teruma*, and these,** the contents of each of the baskets, **fell into those,** each of the containers before them. Although it is prohibited for non-priests to eat a mixture of *teruma* and non-sacred produce, and it is possible that the *teruma* fell into the non-sacred produce, the contents of **both** of the vessels are nevertheless **permitted;** the container of *teruma* produce is permitted for a priest and the container of non-sacred produce is permitted for all. This is **because I say** that **the non-sacred** produce **fell into the non-sacred** produce **and the *teruma* fell into the *teruma*.**[H]

וְאִי סָלְקָא דַּעְתָּךְ כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס אָסוּר – אַמַּאי אָמְרִינַן ״שֶׁאֲנִי אוֹמֵר״?

Abaye explains: **And if it would enter your mind** to say that eating **an olive-bulk** of forbidden food in the time it takes **to eat a half-loaf** of bread is **prohibited** by Torah law, **why do we say** the principle: **Because I say** the non-sacred produce fell into the non-sacred produce? Why are the Sages not concerned that one might eat an olive-bulk of *teruma* in the time it takes to eat a half-loaf of bread, which is prohibited by Torah law?

HALAKHA

***Teruma* from spices is by rabbinic law – תְּרוּמַת תַּבְלִין, דְּרַבָּנַן הִיא:** Tithes and *teruma* are separated from vegetables by rabbinic law (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 2:6).

Two pots, two baskets – שְׁתֵּי קְדָרוֹת, שְׁתֵּי קוּפּוֹת: If there are two baskets, one containing non-sacred produce and the other *teruma*, and in front of them are two containers, each containing a *se'a* of produce, one of non-sacred produce and the other of *teruma*, and the contents of the baskets fall into the containers, the non-sacred produce remains permitted, as the non-sacred produce is assumed to have fallen into the container of the non-sacred produce. This *halakha* applies only to *teruma* that applies by rabbinic law. In the case of *teruma* that applies by Torah law the permitted substance must be the majority for it to remain permitted.

The same *halakha* applies to two pots, one of which contains permitted food and the other forbidden produce, into which forbidden and permitted substances fall. If the food is forbidden by rabbinic law, the ruling is lenient in all cases; if it is forbidden by Torah law, the *halakha* is lenient only if the permitted food forms the majority (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 13:14; *Shulḥan Arukh*, *Yoreh De'a* 111:1).

Perek **VI**
Daf **37** Amud **a**

בְּשִׁלְמָא לְדִידִי דְּאָמִינָא מִשּׁוּם דְּהֵיתֵר מִצְטָרֵף לְאִיסּוּר – כְּגוֹן דְּנָפְישִׁי חוּלִּין, אֶלָּא לְדִידָךְ דְּאָמְרַתְּ מִשּׁוּם דְּאִיכָּא כַּזַּיִת בִּכְדֵי אֲכִילַת פְּרָס, כִּי נָפְישִׁי חוּלִּין מַאי הֲוֵי?

Granted, according to my opinion, **as I say** that this is **because permitted** food **combines with forbidden** food, I can explain that this is referring to a case **where** there **is more non-sacred** produce[N] than *teruma*, and the combination is assumes the status of the forbidden item or *teruma* only when those are the majority. **However, according to your** opinion, **that you say** this is **because there is an olive-bulk** consumed in the time it takes **to eat a half-loaf** of bread, then even **if** there **is more non-sacred** produce, **what of it?** In any case there is an olive-bulk of *teruma* eaten within the time it takes to eat a half-loaf of bread.

אֲמַר לֵיהּ: הַנַּח לִתְרוּמָה בַּזְּמַן הַזֶּה דְּרַבָּנַן.

Rav Dimi **said to** Abaye: **Leave** aside ***teruma* in the present,** as it applies **by rabbinic law.**[H] Since the exile of the Jewish people from Eretz Yisrael, the *halakhot* of *teruma* and tithes apply by rabbinic law, not Torah law. This is the basis for the lenient ruling with regard to this mixture.

NOTES

Where there is more non-sacred produce, etc. – כְּגוֹן דְּנָפְישִׁי חוּלִּין וכו׳: A forbidden substance combines with permitted food to render the entire mixture forbidden only if there is at least as much of the forbidden substance as the permitted food. The early commentaries ask: If this is Abaye's opinion, why does he raise a difficulty from the case of non-sacred thick soup, as there too the mixture is mostly permitted food. One answer is that there is a difference between forbidden grain and forbidden spices. Since garlic and oil noticeably affect the taste of a dish they cannot be nullified (Commentary on *Nazir*). Others claim that the Gemara could have refuted Abaye's question from the case of the thick soup in this manner but instead offers a different answer (Rabbi Avraham min HaHar, citing Commentary on *Nazir*).

HALAKHA

***Teruma* in the present applies by rabbinic law – תְּרוּמָה בַּזְּמַן הַזֶּה דְּרַבָּנַן:** Most authorities agree that *teruma* in the present applies by rabbinic law, even in those parts of Eretz Yisrael that were settled by those who arrived from Babylonia in Ezra's time, as stated by the Gemara here and elsewhere (Rambam). Some (Ra'avad) maintain that *teruma* nowadays applies by Torah law (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 1:26 and *Sefer Kedusha*, *Hilkhot Issurei Bia* 20:3; *Shulḥan Arukh*, *Yoreh De'a* 331:2).

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אָמַר לֵיהּ אַבַּיֵי: מִמַּאי דְּהַאי ״מִשְּׁרַת״ לְהֶיתֵּר מִצְטָרֵף לְאִיסּוּר הוּא דְּאָתָא? דִּילְמָא לִיתֵּן טַעַם בְּעִיקָּר הוּא דְּאָתָא!

Abaye said to him: From where do you derive **that this** verse: "Nor shall he drink anything **soaked** in grapes" (Numbers 6:3), **comes** to teach the principle that **permitted** food **combines with forbidden**[H] food, as stated by Rabbi Yoḥanan (35b)? **Perhaps** instead **it comes to establish** the principle that the legal status of the **flavor** of a forbidden food is **like** that of its **substance.**[HN] This principle states that any food that absorbs the taste of a forbidden item assumes the status of this forbidden item itself.

וּלְאַבַּיֵי, מֵעִיקָּרָא קָא קַשְׁיָא לֵיהּ מַאי דְּקָאָמַר רַב דִּימִי, וְקָא מוֹתִיב לֵיהּ כָּל הָהֵילִין תְּיוּבְתָּא, הָדַר אָמַר לֵיהּ לִיתֵּן טַעַם בְּעִיקָּר?

The Gemara expresses surprise at Abaye's question. **And according to** the opinion of **Abaye, initially that which Rav Dimi said was difficult for him.** Rav Dimi had cited Rabbi Yoḥanan as saying that permitted food combines with forbidden foods only in the case of naziriteship (36a), due to the term "soaked," **and** Abaye **had objected** with **all these** aforementioned **refutations** to prove that this principle applies in all areas of Torah law. And yet **he then said to him** that one should derive a very different principle from that same verse, that the verse **establishes** the principle that the legal status of the **flavor** of a forbidden food is **like** that of its **substance.**

בָּתַר דְּשַׁנִּי לֵיהּ אֲמַר לֵיהּ: דִּילְמָא לִיתֵּן טַעַם בְּעִיקָּר הוּא דְּאָתָא.

The Gemara answers: **After** Rav Dimi **resolved** Abaye's difficulties, and Abaye had accepted his answer that the principle that permitted food combines with forbidden food does not apply to the rest of Torah law, **he said** to Rav Dimi that **perhaps** the verse **comes to establish** that the legal status of the **flavor** of a forbidden food is **like** that of its **substance,** with the following application.

לְבַרְתַּנְיָא: ״מִשְּׁרַת״ – לִיתֵּן טַעַם בְּעִיקָּר, שֶׁאִם שָׁרָה עֲנָבִים בְּמַיִם וְיֵשׁ בָּהֶן טַעַם יַיִן – חַיָּיב. וּמִכָּאן אַתָּה דָּן כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה.

This is relevant **for that which is taught** in a *baraita*: The term "**soaked**" serves **to establish** the principle that the legal status of the **flavor** of a forbidden food is **like** that of its **substance. As, if** a nazirite soaked **grapes in water and** the water **has the taste of wine,** he **is liable** to receive punishment for drinking this liquid, as it assumes the status of wine. **And from here you derive** the *halakha* with regard **to all prohibitions of the Torah;** in all cases, the legal status of the taste of a forbidden food is like that of its substance. The fact that with regard to all other prohibitions, the legal status of the flavor of a forbidden food is like that of its substance, is derived from the *halakhot* of naziriteship.

וּמַה נָּזִיר שֶׁאֵין אִיסּוּרוֹ אִיסּוּר עוֹלָם, וְאֵין אִיסּוּרוֹ אִיסּוּר הֲנָאָה, וְיֵשׁ הֶיתֵּר לְאִיסּוּרוֹ – עָשָׂה בּוֹ טַעַם בְּעִיקָּר, כִּלְאֵי הַכֶּרֶם, שֶׁאִיסּוּרָן אִיסּוּר עוֹלָם, וְאִיסּוּרָן אִיסּוּר הֲנָיָיה, וְאֵין הֶיתֵּר לְאִיסּוּרָן – אֵינוֹ דִּין שֶׁיַּעֲשֶׂה בּוֹ טַעַם בְּעִיקָּר?

The *baraita* explains the derivation: **And just as** with regard to **a nazirite, whose prohibition** against eating grapes **is not a permanent prohibition,** as he will be permitted to eat grapes once his term of naziriteship is over, **and** furthermore **his prohibition is not a prohibition** against deriving **benefit**[N] from wine, **and there is** a way **to permit his prohibition**[N] against eating grape products by requesting from a halakhic authority to dissolve his vow, and nevertheless, in **his** case the Torah **rendered** the legal status of the **flavor** of food **like** that of its **substance.** With regard to a forbidden mixture of **diverse kinds in a vineyard,**[B] i.e., grain seeds sown with grape seeds, **whose prohibition is a permanent prohibition and whose prohibition is a prohibition** against deriving **benefit, and there is no** way **to permit their prohibition, is it not right that** the Torah **should render** the legal status of the **flavor** of its forbidden food **like** that of its **substance?**

HALAKHA

Permitted combines with forbidden – לְהֶיתֵּר מִצְטָרֵף לְאִיסּוּר: Permitted food does not combine with forbidden food even in the case of a nazirite. For example, if wine became mixed with honey and the mixture tasted like wine, or if raisins were mixed with dried figs and the mixture tasted like raisins, a nazirite is not liable for eating or drinking the mixture. Rather, he is flogged only if he ate an olive-bulk of forbidden food in the time it takes to eat a half-loaf of bread, i.e., three egg-bulks. Rabbi Abbahu's statement in the name of Rabbi Yoḥanan is in accordance with the opinion of Rabbi Akiva, whereas the *halakha* is in accordance with the opinion of the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:4).

To establish that the flavor of a forbidden food is like that of its substance – לִיתֵּן טַעַם בְּעִיקָּר: If a nazirite soaked his bread in wine and the mixture contained a quarter-*log* of wine in a half-loaf of bread, then if he ate the amount of a half-loaf of bread he has consumed a quarter-*log* of wine and is flogged (Rambam). The phrase "anything soaked in grapes" (Numbers 6:3) means that a substance into which wine has been mixed is forbidden if it retains the taste of wine. Others (*Halakhot Gedolot*; Rabbeinu Tam) maintain that although one is flogged only if it contained a sufficient quantity of the forbidden food that he would consume an olive-bulk of it in the time it takes to eat a half-loaf of bread, nevertheless the mixture is forbidden by Torah law if the forbidden food imparts taste, unless there is sixty times as much permitted matter as forbidden (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:4 and *Leḥem Mishne* there; *Tur*; *Beit Yosef*, *Yoreh De'a* 98).

BACKGROUND

Diverse kinds in a vineyard – כִּלְאֵי הַכֶּרֶם: The Torah states: "Do not sow your vineyard with two kinds of seed, lest the fullness of the seed which you have sown be rendered forbidden together with the yield of the vineyard" (Deuteronomy 22:9). The Sages derived from this verse that food crops planted in a vineyard are forbidden and render the yield of the vineyard forbidden as well. The application of this *halakha* depends on the question of which plants constitute a forbidden food crop in a vineyard.

NOTES

The flavor of a forbidden food is like that of its substance – טַעַם כְּעִיקָּר: The commentaries ask what the difference is between the principle: The taste of a forbidden food is like that of its substance, and: Permitted food combines with forbidden food. Some explain that the first principle means that the taste of the forbidden food spreads throughout the permitted food, even if there is an insufficient amount of forbidden substance to cause liability in and of itself (Rashi). Others claim that there must be a requisite amount of forbidden food, although it need not be visible in the mixture (Meiri). Conversely, the principle: Permitted food combines with forbidden food, applies when the permitted and forbidden substances are separate or when the forbidden food is concentrated in one spot, in which case the forbidden item, which forms at least half of the total, combines with the permitted to form a single unit. Many authorities contend that even if the principle: The taste of a forbidden food is like that of its substance, applies by Torah law, one is flogged only if the mixture contains an olive-bulk of food that can be eaten in the time it takes to eat a half-loaf of bread.

And his prohibition is not a prohibition against deriving benefit – וְאֵין אִיסּוּרוֹ אִיסּוּר הֲנָאָה: A nazirite is prohibited only from eating or drinking products of the vine. He may derive benefit from them in all other ways, e.g., selling them or other uses of them.

And there a way to permit his prohibition – וְיֵשׁ הֶיתֵּר לְאִיסּוּרוֹ: There are several explanations of this clause. Some commentaries maintain that the wine a nazirite may not drink is not itself forbidden, as he may consume it at the end of his term (Commentary on *Nazir*). This is similar to the statement that the nazirite's prohibition is not a permanent one, but that statement refers to the person himself, while this statement refers to the forbidden wine. Most commentaries explain that permitting his prohibition refers to the fact that he can have his vow of naziriteship and its attendant prohibitions dissolved by a halakhic authority (Rashi on *Pesaḥim*; *Tosafot*; Rosh). Alternatively, this statement means that his prohibition is permitted in the sense that one is permitted to render wine forbidden to himself by taking a vow of naziriteship (*Tosafot*).

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BACKGROUND

Orla – עָרְלָה: It is prohibited to eat or derive benefit from fruit that grows during the first three years after a tree has been planted (Leviticus 19:23). This prohibition applies only to the fruit and not to the other parts of the tree. In addition, the prohibition does not apply to trees planted as a fence for property or as a wind buffer, rather than planted for their fruit.

NOTES

Against *orla* on two counts – לְעָרְלָה בִּשְׁתַּיִם: It is prohibited to benefit from *orla*, and there is no way for this prohibition to be permitted. However, it is not a permanent prohibition, as *orla* lasts for a fixed period of three years (Commentary on *Nazir*; Rosh). Alternatively, it is indeed a permanent prohibition, as the fruit that grew when the tree was forbidden remains permanently forbidden. It is also prohibited to benefit from it, as stated previously. According to this opinion, the exception is that there is a way to permit this prohibition, as although the fruit of the fourth year is also considered *orla*, it can be rendered permitted by being redeemed (*Tosafot*; Rabbeinu Tam). Alternatively, this prohibition is permitted in the sense that one is permitted to cause the prohibition *ab initio*, as one plants trees knowing that their fruit will become *orla* (*Tosafot*; Rabbeinu Peretz).

Diverse kinds too – כִּלְאַיִם נַמִי: The prohibition of diverse kinds includes at least three separate categories: Mixtures of seeds of food crops in a vineyard, the yoking of animals of different species together, and mixtures of diverse kinds of wool and linen.

HALAKHA

Meat cooked in milk…is merely the taste – בָּשָׂר בְּחָלָב...טַעַם בְּעָלְמָא הוּא: One who ate an olive-bulk of meat that had been cooked with milk is flogged. By Torah law, the mixture is forbidden only if the two were actually cooked together; however, the Sages prohibited any mixture of this kind (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:1; *Shulḥan Arukh*, *Yoreh De'a* 87:1).

Diverse kinds too, etc. – כִּלְאַיִם נַמִי וכו': One who sows together two different types of seeds in Eretz Yisrael is flogged. If one sowed them with grape seeds he is liable both for the regular prohibition of diverse kinds and for diverse kinds in a vineyard. If one eats an olive-bulk of the produce of seeds in a vineyard, whether of the grapes or the other produce, he is flogged (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 10:7; *Shulḥan Arukh*, *Yoreh De'a* 296:1, 297:1).

וְהוּא הַדִּין לְעָרְלָה בִּשְׁתַּיִם.

The *baraita* adds: **And the same is true for the prohibition against eating the fruit of a tree during the first three years after its planting** [***orla***]**,**[B] **on two** of three counts:[N] Although the prohibition of *orla* is not a permanent prohibition, as one may eat the fruit of this tree after three years have passed, it is prohibited to derive benefit from *orla*, and this prohibition cannot be permitted, as the fruits that grow during the first three years remain forbidden. Similarly, all other prohibitions in the Torah are more severe than the case of a nazirite in one of these aspects, and therefore this principle is universal. Abaye is asking Rav Dimi: In any case doesn't this entire derivation presents a difficulty for Rabbi Yoḥanan, who derives a different *halakha* from the term "soaked."

אֲמַר לֵיהּ הַהוּא מֵרַבָּנַן: רַבִּי אַבָּהוּ, כִּי קָאָמַר לְרַבִּי עֲקִיבָא. הֵי רַבִּי עֲקִיבָא? אִילֵימָא רַבִּי עֲקִיבָא דְּהָכָא, דְּתָנַן: רַבִּי עֲקִיבָא אוֹמֵר: אֲפִילּוּ שָׁרָה פִּיתּוֹ בְּיַיִן, וְיֵשׁ בּוֹ כְּדֵי לְצָרֵף כַּזַּיִת – חַיָּיב. וּמַמַּאי? דִּילְמָא הוּא דְּאִיכָּא כַּזַּיִת בְּעֵינָא!

One of the Sages said to Abaye: **When Rabbi Abbahu said** that Rabbi Yoḥanan said that the principle of permitted food combining with forbidden food is derived from the term "soaked," he spoke in accordance with the opinion **of Rabbi Akiva.** The Gemara asks: To **which** statement of **Rabbi Akiva** is the Gemara referring? **If we say** it is referring to the opinion of **Rabbi Akiva of this** mishna, **as we learned** (*Shevuot* 21b) that **Rabbi Akiva says: Even** if **a nazirite soaked his bread in wine, and** the bread and the wine **contain** enough **to combine to** constitute **an olive-bulk, he is liable; but from where** do we know that Rabbi Akiva means an olive-bulk taken from the bread and the wine together? **Perhaps that** ruling applies only **when there is an olive-bulk** of wine **as is,** without the bread?

וְכִי תֵּימָא מַאי לְמֵימְרָא – לְאַפּוּקֵי מִהָנָא קַמָּא, דְּאָמַר: עַד שֶׁיִּשְׁתֶּה רְבִיעִית יַיִן.

And if you would say: In that case, **what** is the purpose **of stating** this ruling? What is the novelty of Rabbi Akiva's statement if the mixture contains an olive-bulk of wine? One can say that it serves **to exclude** the opinion of **the first *tanna*, who said** that he is liable **only if he drinks a quarter**-*log* **of wine.** Rabbi Akiva emphasizes that one is liable even if he drinks the amount of an olive-bulk.

אֶלָּא רַבִּי עֲקִיבָא דְּבָרַיְיתָא, דְּתַנְיָא, רַבִּי עֲקִיבָא אוֹמֵר: נָזִיר שֶׁשָּׁרָה פִּתּוֹ בְּיַיִן, וְאָכַל כַּזַּיִת מִפַּת וּמִיַּיִן – חַיָּיב.

Rather, the reference is to the following statement of **Rabbi Akiva in a *baraita*. As it is taught** in a *baraita* that **Rabbi Akiva says: A nazirite who soaked his bread in wine and ate an olive-bulk of** the mixture of **bread and wine is liable.** This *baraita* indicates that according to the opinion of Rabbi Akiva a permitted substance combines with a forbidden substance.

אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרַב אַוְיָא לְרַב אַשִׁי: לְרַבִּי עֲקִיבָא, דְּקָא מוֹקִים לֵיהּ לְהַאי ״וְכָל מִשְׁרַאת״ לְהֶיתֵּר מִצְטָרֵף לְאִיסּוּר, לִיתֵּן טַעַם בְּעִיקָּר מִנָּא לֵיהּ? יָלֵיף מִבָּשָׂר בְּחָלָב; לָאו טַעַם בְּעָלְמָא הוּא וְאָסוּר – הָכָא נַמִי לָא שְׁנָא.

Rav Aḥa, son of Rav Avya, said to Rav Ashi: According to Rabbi Akiva, who establishes the verse "**neither** shall he drink **anything soaked**" (Numbers 6:3) as referring **to** the principle that the **permitted combines with the forbidden, from where does he** derive the principle that the legal status of the **flavor** is **like** that of the **substance** itself? The Gemara answers: **He derives** this principle **from** the prohibition of **meat** cooked **in milk.** Is it **not** the case that there is no actual milk present, and it **is merely** the **taste**[H] of the milk absorbed in the meat, **and** yet the mixture **is prohibited? Here too,** in the case of other prohibitions, it **is no different,** and the legal status of the flavor is like that of the substance itself.

וְרַבָּנַן: מִבָּשָׂר בְּחָלָב לָא גָּמְרִינַן, דְּחִידּוּשׁ הוּא.

The Gemara asks: **And** with regard to **the Rabbis,** who disagree with Rabbi Akiva and derive the *halakha* that the legal status of the flavor is like that of the substance itself from the phrase "**neither** shall he drink anything soaked," why do they not derive this principle from the case of meat cooked in milk? The Gemara answers: The Rabbis claim that **we do not derive** other prohibitions **from meat** cooked **in milk, as** that prohibition **is a novelty,** and one does not learn general *halakhot* from unusual cases.

מַאי חִידּוּשֵׁיהּ? אִילֵימָא דְּהַאי לְחוּדֵיהּ וְהַאי לְחוּדֵיהּ שָׁרֵי, וּבַהֲדֵי הֲדָדֵי אָסוּר – כִּלְאַיִם נַמִי, הַאי לְחוּדֵיהּ שָׁרֵי וְהַאי לְחוּדֵיהּ שָׁרֵי, וּבַהֲדֵי הֲדָדֵי אָסוּר.

The Gemara asks: **What is** the **novelty** of that prohibition? **If we say that** it is unique in **that this** meat **alone and that** milk **alone** are each **permitted, and** yet **together they are forbidden,** that characteristic is not unique to meat cooked in milk. In the case of forbidden mixtures of **diverse kinds too,**[NH] **this** element **alone and that** element **alone** are each **permitted, and** yet **together they are forbidden.**

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אֶלָּא, דְּאִי תָּרוּ לֵיהּ כּוּלֵּי יוֹמָא בַּחֲלָבָא – שָׁרֵי, וּמְבַשֵּׁיל לֵיהּ בְּשׁוּלֵּי – אָסוּר.

The Gemara answers: **Rather,** the novelty is **that if one soaks** meat **in milk all day,**[H] **it is permitted** by Torah law, despite the fact that the meat certainly absorbed some taste of the milk, whereas if **one cooked** meat in milk even for a short time, the mixture **is forbidden** by Torah law. The novelty is that it is not the fact that they are mixed together that renders meat and milk forbidden, but the act of cooking.

HALAKHA

That if one soaks it…all day, etc. – דְּאִי תָּרוּ לֵיהּ כּוּלֵּי יוֹמָא וכו׳: If cold meat was soaked in cold milk, one may rinse the meat and eat it, provided that it was not left in that state for twenty-four hours, which would render it preserved, which has a similar status to cooked. The Torah prohibits only meat and milk that were cooked together (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 9:17; *Shulḥan Arukh*, *Yoreh De'a* 91:4; see 105:1).

וְרַבִּי עֲקִיבָא נַמִּי, בָּשָׂר בְּחָלָב חִידּוּשׁ הוּא. אֶלָּא

The Gemara asks: **And Rabbi Akiva too,** he certainly agrees that the *halakha* of **meat** cooked **in milk is a novelty.** How can he derive a general principle from this case? **Rather,**

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יָלִיף מִגִּיעוּלֵי גּוֹיִם, דְּאָמַר רַחֲמָנָא ״כָּל דָּבָר אֲשֶׁר יָבֹא בָאֵשׁ״ – לְמֵימְרָא דַּאֲסִירִי גִּיעוּלֵי גּוֹיִם; לָאו טַעֲמָא בְּעָלְמָא הוּא וְאָסוּר – הָכָא נַמִּי לָא שְׁנָא.

Rabbi Akiva **derives** the principle: The legal status of the flavor of forbidden food is like that of the substance itself, **from** the vessels **of gentiles** that require **purging** [*gi'ulei*],[LH] where the Jews were commanded to purge the non-kosher flavor from the vessels they seized from the Midianites. **As the Merciful One states** in the section of the Torah that deals with the spoils of Midian: "**Every thing that passes through the fire,** you shall make it pass through the fire" (Numbers 31:23). **That is to say that** the vessels **of gentiles** that require **purging are forbidden** to be used until they have been purged through fire and purified. **Isn't** there **mere taste** absorbed in the vessels through the process of cooking? **And** even so, these vessels are **forbidden** if this purging was not performed. **Here, too,** with regard to other matters of Torah law, it **is no different;** and the legal status of the flavor is like that of the substance itself.

LANGUAGE

Purging [*gi'ulei*] – גִּיעוּלֵי: Apparently, the basic meaning of the verb *ga'al*, with the letter *ayin*, is exude or bring forth. The root *ga'al* with an *alef* also means bring forth. Accordingly, the expression *gi'ulei goyim* means that which exudes from the vessels of gentiles. Similarly, the expression *go'el nefesh*, as in the verse "And My soul shall abhor you [*vega'ala nafshi etkhem*]" (Leviticus 26:30) refers to that which the soul cannot stand, which it exudes and vomits out.

HALAKHA

The vessels of gentiles that require purging – גִּיעוּלֵי גּוֹיִם: If a forbidden substance has been cooked in a pot, one may not cook meat in that pot on the same day. If one did so, the meat is forbidden, and if he cooked another food in it, that too is forbidden if the forbidden substance gives a flavor to that food. Consequently, if one buys a utensil from a gentile that had been used for hot dishes, he must clean and immerse it. If he does not, it may not be used (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:1–2; *Shulḥan Arukh*, *Yoreh De'a* 121:2).

וּלְרַבָּנַן נַמִּי, תֵּיפּוֹק לְהוּ מִגִּיעוּלֵי גּוֹיִם! אֲמַר לֵיהּ: הָתָם חִידּוּשׁ הוּא, דְּהָא בְּכָל הַתּוֹרָה כּוּלָּהּ נוֹתֵן טַעַם לִפְגָם מוּתָּר,

Rav Aḥa further suggested to Rav Ashi: **And according to** the opinion of **the Rabbis,** who derive this principle from the verse: "**Neither** shall he drink anything soaked" (Numbers 6:3), **let them also derive** it **from** the vessels of **gentiles** that require **purging,** as does Rabbi Akiva. Rav Ashi **said to him:** The Rabbis maintain that **there** the *halakha* of purging vessels of gentiles **is** also **a novelty.** What is the novelty of this *halakha*? **As** with regard **to all** dietary laws in the **Torah, anything that gives flavor,** i.e., contributes taste, that renders the food **tainted,** is **permitted.**[H] If the taste added by the forbidden food does not enhance the permitted food, it does not render that food forbidden.

HALAKHA

That gives flavor that renders it tainted, is permitted – נוֹתֵן טַעַם לִפְגָם מוּתָּר: If a forbidden substance imparts a flavor to a permitted food that improves it, the entire mixture is forbidden. If the forbidden substance taints the taste, whether because the taste of the forbidden food was impaired from the outset or because it interacts poorly with that particular permitted food, the mixture is permitted (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:28; *Shulḥan Arukh*, *Yoreh De'a* 103:1, 122:1).

The Torah prohibited only in the case of a pot that was used on that day – לֹא אָסְרָה תּוֹרָה אֶלָּא לְקֻדֵּירָה בַּת יוֹמָא: The Torah prohibited the use of only those vessels of gentiles in which something had been cooked that day. Once twenty four hours have passed the pot is no longer forbidden by Torah law. However, the Sages decreed that one should not cook with a pot of this kind *ab initio* (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 17:2; *Shulḥan Arukh*, *Yoreh De'a* 103:5, 122:2).

וְגַבֵּי גִּיעוּלֵי גּוֹיִם אָסוּר.

But here, **with regard to** the *halakha* of vessels of **gentiles** that require **purging,** the Torah states that even if they contribute taste that renders the food tainted, nevertheless they are **forbidden.** If twenty-four hours have passed since food was cooked in a pot, the assumption is that the flavor released from the pot will contribute a deleterious taste to any foods subsequently cooked in the pot. Even so, vessels taken from gentiles remain forbidden until they have been purged, despite the fact that the taste they contribute taints the food.

וּלְרַבִּי עֲקִיבָא נַמִּי, הָא חִידּוּשׁ הוּא. אֲמַר רַב הוּנָא בַּר חִיָּיא: לֹא אָסְרָה תּוֹרָה אֶלָּא לְקֻדֵּירָה בַּת יוֹמָא, דְּלָאו נוֹתֵן טַעַם לִפְגָם הוּא.

The Gemara asks: **And according to** the opinion of **Rabbi Akiva too,** the case of vessels of gentiles that require purging **is** apparently **a novelty.** Rabbi Akiva derives this principle from the required purging of the vessels of gentiles. How then does he respond to the previous claim? **Rav Huna, son of Ḥiyya, said: The Torah prohibited** the use of unpurged vessels of gentiles **only in** the case of **a pot** that was used **on that day,**[H] **which is not** a case where the pot **gives flavor** that renders the food **tainted.** Accordingly, it is not a novelty that the vessels were forbidden.

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BACKGROUND

That the vessel does not slightly taint – דְּלָא פָּגְמָה פּוּרְתָּא: The tainting, or relative spoiling of the taste, is due to bacteria that break down the food. This process sometimes releases gasses with unpleasant smells. Such bacteria are found everywhere in the air and they begin to grow on food and the remainders of food left in pots as soon as the temperature of the cooked food drops. Since the bacteria will be detected, in the form of spoiled food, only once they have grown a sufficient amount, this happens after some time has passed. However, it will undoubtedly occur within twenty-four hours.

Two verses that come as one – שְׁנֵי כְתוּבִין הַבָּאִין כְּאֶחָד: When a matter that is written in the Torah contains an explicit *halakha* or detail, it is possible, by means of the hermeneutic method of analogy, to use it as an example that teaches about other cases. However, when a detail appears in two cases, and all the more so when it appears in three cases, it does not teach about other cases. In Talmudic parlance this is known as: Two, or three, verses that come together. The fact that it is necessary to mention this detail more than once indicates that this detail is an exception, which is not meant to teach a general principle.

וְרַבָּנַן: קְדֵירָה בַּת יוֹמָא נַמִּי, אִי אֶפְשָׁר דְּלָא פָּגְמָה פּוּרְתָּא.

The Gemara asks: **And** why don't **the Rabbis** derive the *halakha* from there, as it is no longer a novelty? The Gemara answers: They hold that **even** in the case of **a pot** used **on that day, it is impossible that** the vessel **does not slightly taint**[B] the food absorbed in the vessel. Consequently, the *halakha* of purging vessels of gentiles is a novelty, from which general principles cannot be derived.

אֲמַר לֵיהּ רַב אַחָא בְּרֵיהּ דְּרַב אָוְיָא לְרַב אַשִׁי: מִדְּרַבָּנַן נִשְׁמַע לְרַבִּי עֲקִיבָא; לָאו אָמְרִי רַבָּנַן הַאי ״מִשְׁרַת״ לִיתֵּן טַעַם כְּעִיקָּר, וּמִכָּאן אַתָּה דָּן לְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה. לְרַבִּי עֲקִיבָא נַמִּי, דְּקָא מוֹקִים לֵיהּ לְהַאי ״מִשְׁרַת״ לְהֶיתֵּר מְצָטָרֵף לְאִיסּוּר – לֵימָא: מִכָּאן אַתָּה דָּן לְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה!

§ **Rav Aḥa, son of Rav Avya, said to Rav Ashi: From** the opinion of **the Rabbis, we infer** the proper understanding of the opinion of **Rabbi Akiva. Don't the Rabbis say** that the term "**soaked" teaches** that the principle that the legal status of the **flavor** of forbidden food is **like** that of its **substance** applies not only to a nazirite, but that **from here you derive** the *halakha* with regard **to all prohibitions of the Torah? According to Rabbi Akiva as well, who establishes this** term: "**Soaked," as** teaching that **the permitted** substance **combines with the forbidden** substance with regard to a nazirite, **let us say** that **from here you derive** the *halakha* with regard **to all prohibitions of the Torah.** This explanation runs counter to the opinion of Rabbi Yoḥanan, who applies this principle only to a nazirite.

אֲמַר לֵיהּ: מְשׁוּם דְּהָווּ נָזִיר וְחַטָּאת שְׁנֵי כְתוּבִין הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְתוּבִין הַבָּאִין כְּאֶחָד אֵין מְלַמְּדִין. נָזִיר – הָא דַּאֲמָרַן, חַטָּאת מַאי הִיא?

Rav Ashi **said to him:** This cannot serve as a proof, **due to** the fact **that** the *halakhot* of **a nazirite and** those of **a sin-offering** are from **two verses that come as one,** i.e., to teach the same matter, **and any two verses that come as one**[B] **do not teach** their common aspect to apply to other cases. The Gemara comments: The derivation that a permitted substance joins together with a forbidden substance in the case of **a nazirite** is **that which we stated,** from the term "soaked." With regard to **a sin-offering, what is** the derivation that a permitted substance combines with a forbidden substance?

דְּתַנְיָא ״כֹּל אֲשֶׁר יִגַּע בִּבְשָׂרָהּ יִקְדָּשׁ״, יָכוֹל אֲפִילּוּ שֶׁלֹּא בָּלַע – תַּלְמוּד לוֹמַר ״בִּבְשָׂרָהּ״, עַד שֶׁיִּבָּלַע בִּבְשָׂרָהּ.

It is **as it is taught** in a *baraita* with regard to the verse discussing a sin-offering "**Anything that touches in its flesh shall become consecrated**" (Leviticus 6:20). One **might** have thought that non-sacred meat that touched any part of a sin-offering is consecrated **even if it did not absorb** the taste of the sin-offering it touched. Therefore, **the verse states: "In its flesh,"** to teach that this meat is not consecrated **until** the taste of the sin-offering **is absorbed within its flesh.**[H]

״יִקְדָּשׁ״ – לִהְיוֹת כָּמוֹהָ, שֶׁאִם פִּסּוּלָהּ הִיא – יִפָּסֵל, וְאִם כְּשֵׁרָה – תֵּאָכֵל כְּחָמוּר שֶׁבָּהּ.

The *baraita* continues: "**Shall become consecrated,**" means that its legal status **becomes like** that of the sin-offering itself; **that** is, **if** the sin-offering **is disqualified,** the non-sacred meat that touched it **will** also **be disqualified. And if** the sin-offering **is valid,** the non-sacred meat that touched it **may be eaten in accordance with the more stringent** standards **of** a sin-offering, with regard to when and where it may be eaten. The principle that a permitted substance combines with a forbidden substance is thereby stated in the case of a sin-offering as well. Consequently, the principle cannot be extended to the entire Torah, as a *halakha* stated in two cases is not applied elsewhere.

HALAKHA

Until it is absorbed within its flesh – עַד שֶׁיִּבָּלַע בִּבְשָׂרָהּ: The verse states with regard to a sin-offering: "Anything that touches in its flesh shall become consecrated" (Leviticus 6:20), which means that anything that touches it shares the status of the offering: If the sin-offering was disqualified, the food that touched it is likewise disqualified; if the offering is valid, the food that came into contact with it must be eaten in accordance with the *halakhot* and sanctity of a sin-offering. While this principle applies to all offerings, it applies only with regard to food that absorbed part of the sin-offering; mere touch does not consecrate it. If a sin-offering came into contact with a wafer and part of the wafer absorbed flavor from it, only the spot that absorbed the sin-offering is consecrated (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 8:15–17).

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וְרַבָּנַן: צְרִיכִי, דְּאִי כְּתַב רַחֲמָנָא גַּבֵּי חַטָּאת, הֲוָה אָמִינָא: נָזִיר לָא אָתֵי מִינָּה, מִשּׁוּם דְּנָזִיר מִקָּדְשִׁים לָא יָלְפִינַן.

And the Rabbis, who disagree with Rabbi Akiva, would maintain that both these sources **are necessary,**[N] as neither the case of a nazirite nor the case of a sin-offering could be derived from the other. Therefore, this is not a case of two verses that come as one. The Gemara elaborates: **For had the Merciful One written** this *halakha* only **with regard to a sin-offering, I would say** that the case of **a nazirite cannot be derived from it, due to** the fact that **we do not derive** the *halakha* of **a nazirite from** that of **consecrated** items. This is because the prohibitions of naziriteship are unrelated to the Temple and offerings, and therefore it is possible that the *halakha* in question is unique to consecrated items.

וְאִי כְּתַב רַחֲמָנָא גַּבֵּי נָזִיר – הֲוָה אָמִינָא: מִנָּזִיר לָא יָלְפִינַן, מִשּׁוּם דַּחֲמִיר אִיסּוּרֵיהּ, דַּאֲפִילּוּ חַרְצָן אֲסִיר לֵיהּ, הִלְכָּךְ לָא אָתְיָא מִינֵּיהּ.

And conversely, **had the Merciful One written** this *halakha* only **with regard to a nazirite, I would say** that **we do not derive** the *halakha* of a sin-offering **from** that of **a nazirite due to** the fact **that its prohibition is stringent.**[N] In what way? It is stringent **as even a grape seed is forbidden to** a nazirite, although the seeds are not usually eaten. **Therefore,** the *halakha* of a sin-offering **cannot be derived from** the case of a nazirite, which means that this is not a case of two verses that come as one. Consequently, one can derive a general *halakha* from them.

וְרַבִּי עֲקִיבָא אָמַר לָךְ: לְמַאי צְרִיכִי? בִּשְׁלָמָא אִי כְּתַב רַחֲמָנָא חַטָּאת לָא גָּמַר נָזִיר מִינָּהּ, דְּחוּלִּין מִקָּדָשִׁים לָא גָּמְרִינַן. אֶלָּא לְכְתוֹב רַחֲמָנָא בְּנָזִיר, וְתֵיתֵי חַטָּאת מִינֵּיהּ, דְּהָא כָּל אִיסּוּרִין שֶׁבַּתּוֹרָה קָא גָּמְרִי מִנָּזִיר.

And Rabbi Akiva could have **said to you,** in rebuttal of this claim: **Why are** these cases both **necessary? Granted, if the Merciful One had written** this principle only with regard **to a sin-offering,** one would **not derive** the *halakha* of **a nazirite from it,** as **we do not derive** *halakhot* of **non-sacred** items **from** those of **consecrated** items. Certain stringencies and strictures apply only to consecrated property. **However, let the Merciful One write** this principle **with regard to a nazirite, and you** could **derive** the case of the **sin-offering from** that of a nazirite, just **as** the application of this principle to **all prohibitions in the Torah is derived from** the *halakha* of **a nazirite.** Since it is not necessary to state this principle in both cases, one cannot derive a general principle from them.

וְרַבָּנַן אָמְרִי לָךְ: חַטָּאת – לְהֵיתֵר מִצְטָרֵף לְאִיסּוּר, וְחוּלִּין מִקָּדָשִׁים לָא גָּמְרִינַן.

The Gemara asks: **And the Rabbis,** who maintain that the principle that the legal status of the flavor of a forbidden substance is like that of the substance itself is not limited to these two cases, **would say to you** that both sources are required. The case of **a sin-offering** is necessary **to** derive the principle **that a permitted** substance **combines with a forbidden** substance, **and** this stringency is not extrapolated to other prohibitions, in accordance with the principle that **one cannot derive** the *halakhot* of **non-sacred** items **from consecrated** items.

וּ"מִשְּׁרֵת" – לִיתֵּן טַעַם כְּעִיקָּר, מִכָּאן אַתָּה דָּן לְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה.

And the term **"soaked,"** which appears in the context of a nazirite, **teaches** the principle that the legal status of the **flavor** of forbidden food is **like** that of its **substance.** Since both examples are necessary, they are not considered two verses that come as one, and it is therefore possible to derive a general principle from them. **And** consequently, **from here you derive** the *halakha* with regard **to all of the prohibitions of the Torah.**

NOTES

And the Rabbis maintain that both are necessary – וְרַבָּנַן, צְרִיכִי: The early commentaries present many versions of this passage (*Tosafot*; see Commentary on *Nazir*). The main difficulty is that the Gemara indicates that even the Rabbis concede that permitted substances combine with forbidden ones in the case of a sin-offering. No ruling of this kind is stated elsewhere, and it apparently contradicts the earlier statements of both Rabbi Yoḥanan and Ze'eiri (see Rabbeinu Peretz). Some commentaries claim that the Rabbis do accept the principle that the permitted combines with the forbidden with regard to a sin-offering, although they maintain that one does not derive *halakhot* from offerings to other cases. Others contend that the Rabbis disagree with Rabbi Akiva even with regard to this detail, as all their disputes in this discussion are formulated according to Rabbi Akiva's opinion. In other words, they are saying to Rabbi Akiva that even granted his initial assumptions, his final ruling is unreasonable (Meiri).

Some versions of the text explicitly state that the Rabbis learn the principle that a flavor is like the substance itself from the case of a sin-offering. Apparently, the Rabbis derive this principle from both a sin-offering and a nazirite, as, although neither of these two cases can be derived from the other, due to the special circumstances of each, they can teach by means of their common aspects that the flavor of a forbidden food is like the substance itself (Rosh). Some cite a version of the text according to which the Rabbis maintain that even a forbidden substance that taints the taste renders the other food forbidden (Commentary on *Nazir*). However, many commentaries reject this interpretation, as this *halakha* is not stated elsewhere.

That its prohibition is stringent – דַּחֲמִיר אִיסּוּרֵיהּ: Rabbi Akiva evidently does not consider this a special stringency, as the basic concept of a nazirite is that all the products of a vine are forbidden to him (see Rosh).

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HALAKHA

Prohibitions of a nazirite…combine with each other – אִיסּוּרֵי נָזִיר...מִצְטָרְפִין: All the forbidden substances of nazirite-ship combine with each other. Consequently, if a nazirite combined grapes with raisins, or unripe grapes with pressed grapes, and ate an olive-bulk of the mixture, he is flogged (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:3).

Even one after the other – אֲפִילּוּ בָּזֶה אַחַר זֶה: With regard to a nazirite who combined several products of a vine and ate them one after the other, he is flogged if all together he ate the amount of an olive-bulk. This applies only if he ate them within the time required to eat three, or according to one opinion, four, egg-bulks of bread (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:8; *Sefer Hafla'a*, *Hilkhot Nezirut* 5:3).

וְרַבִּי עֲקִיבָא: תַּרְוַיְיהוּ לְהֶיתֵּר מִצְטָרֵף לְאִיסּוּר, וְהָווּ לְהוּ שְׁנֵי כְּתוּבִין הַבָּאִין כְּאֶחָד, וְכָל שְׁנֵי כְּתוּבִין הַבָּאִים כְּאֶחָד אֵין מְלַמְּדִין.

The Gemara asks: **And** how would **Rabbi Akiva** respond to this claim? The Gemara answers: Rabbi Akiva would say that **both** cases teach the principle **that a permitted** substance **combines with a forbidden** substance, **and they are two verses that come as one,** to teach about the same issue. **And** the rule is that **any two verses that come as one do not teach** their common aspect to apply to other cases.

אֲמַר לֵיהּ רַב אַשִׁי לְרַב כָּהֲנָא: אֶלָּא הָא דְּתַנְיָא ״מִכֹּל אֲשֶׁר יֵעָשֶׂה מִגֶּפֶן הַיַּיִן״ לִימֵּד עַל אִיסּוּרֵי נָזִיר שֶׁהֵן מִצְטָרְפִין זֶה עִם זֶה. לְרַבִּי עֲקִיבָא, הָשְׁתָּא יֵשׁ לוֹמַר הֶיתֵּר מִצְטָרֵף לְאִיסּוּר, אִיסּוּר לְאִיסּוּר מִבָּעְיָא?

§ **Rav Ashi said to Rav Kahana: But** consider **that which is taught** in a *baraita*. The verse "He shall not eat **anything that is made of the grapevine**" (Numbers 6:4) **taught with regard to prohibitions of a nazirite that** these substances **combine with each other.**[H] If a nazirite ate only a small amount of each substance, which together amount to the measure that determines liability, he is liable. **According to** the opinion of **Rabbi Akiva, now** that **one says** that **permitted** substances **combine with forbidden** substances, **is it necessary** to teach that one **forbidden** substance **combines with** another **forbidden** substance? According to Rabbi Akiva's opinion, this derivation is apparently unnecessary.

אֲמַר לֵיהּ: הֶיתֵּר לְאִיסּוּר – בְּבַת אַחַת, אִיסּוּר לְאִיסּוּר – אֲפִילּוּ בָּזֶה אַחַר זֶה.

Rav Kahana **said to** Rav Ashi that this derivation is necessary because the two cases are not identical: **Permitted** substances combine **with forbidden** substances only when they are eaten **simultaneously,** whereas **forbidden** substances **combine with** other **forbidden** substances **even** when eaten **one after the other.**[H] Therefore, according to the opinion of Rabbi Akiva, if a nazirite eats half an olive-bulk of grape skins and then eats half an olive-bulk of grape seeds, he is liable.

וְרַבִּי שִׁמְעוֹן,

The Gemara asks: **And Rabbi Shimon,**

Perek **VI**
Daf **38** Amud **a**

NOTES

Who is not of the opinion that the principle of combination is operative – דְּלֵית לֵיהּ צֵירוּף: Rabbi Shimon maintains that measurements with respect to prohibitions by Torah law apply only to the obligation of an offering, i.e., one must bring an offering if he mistakenly eats that amount. However, with regard to the prohibition itself and the punishment of lashes, one is liable for any amount. Consequently, the phrase: Who is not of the opinion that the principle of combination is operative, means that he has no need for this *halakha*, as one is liable even for the smallest amount. This leads to the question of what Rabbi Shimon derives from the term "soaked." One answer is that he learns the principle that the legal status of the flavor of forbidden food is like that of its substance, as he claims that this principle cannot be derived from the vessels of gentiles that require purging, since the latter is a novel case (see 37b). Alternatively, although Rabbi Shimon said that forbidden foods are prohibited in any amount, this applies only when these foods are by themselves, not when they are mixed with other substances (*Tosafot*; see *Sefat Emet*).

Until he vows naziriteship from all of them – עַד שֶׁיַּזִּיר מִכּוּלָּן: This is the opinion of Rabbi Shimon, as discussed earlier in the Gemara (3b), whereas the Rabbis maintain there that he is a full-fledged nazirite even if his vow included only one prohibition of naziriteship.

דְּלֵית לֵיהּ צֵירוּף: ״מִכֹּל אֲשֶׁר יֵעָשֶׂה״ מַאי דָּרֵישׁ בֵּיהּ? אָמַר לָךְ: הַהוּא מִיבָּעֵי לֵיהּ – לְעוֹלָם אֵינוֹ נָזִיר עַד שֶׁיַּזִּיר מִכּוּלָּן.

who is not of the opinion that the principle of **combination** is operative,[N] as he renders one liable for consumption of forbidden substances of any amount (see *Makkot* 13a), **what does he derive** from the verse "**anything that is made** of the grapevine" (Numbers 6:4)? The Gemara answers: Rabbi Shimon could have **said to you: That** verse is **necessary** to teach that **one is never** considered **a nazirite until he vows naziriteship from all of them.**[N] Rabbi Shimon maintains that if one vows to be a nazirite only with regard to one or two of the prohibitions of naziriteship, the vow does not take effect at all.

אָמַר רַבִּי אַבָּהוּ אָמַר רַבִּי אֶלְעָזָר: כָּל רְבִיעִיּוֹת שֶׁבַּתּוֹרָה אֵין הֶיתֵּר מִצְטָרֵף לְאִיסּוּר, חוּץ מֵרְבִיעִית שֶׁבְּנָזִיר, שֶׁהֲרֵי אָמְרָה תּוֹרָה ״מִשְׁרַת״. מַאי אִיכָּא בֵּין רַבִּי יוֹחָנָן לְרַבִּי אֶלְעָזָר?

Rabbi Abbahu said that **Rabbi Elazar said:** With regard to **every** *halakha* **that is in the Torah** that involves **a quarter-***log*,[B] **a permitted** substance **does not combine with a forbidden** substance to complete this measure, **apart from the quarter-***log* **of a nazirite.** In the case of a nazirite, permitted liquid combines with wine to render him liable, **as the Torah stated: "Soaked"** (Numbers 6:3). The Gemara asks: **What** difference **is there between** the opinion of **Rabbi Yoḥanan,** who stated (35b) that a permitted substance does not combine with a forbidden one with regard to any prohibition of the Torah apart from that of a nazirite, **and** that of **Rabbi Elazar,** who apparently says the same thing in different terms?

BACKGROUND

Quarter-*log* [*revi'it*] – רְבִיעִית: A unit of liquid measurement, *revi'it* literally means a quarter. Unless indicated otherwise, this term refers to a quarter-*log*. The *log* is a talmudic measurement of volume equal to six egg-bulks, which is equivalent to approximately 346 ml, according to the standard method of converting talmudic measurements of Rabbi Ḥayyim Na'e. Consequently, a quarter-*log* measures approximately 86.5 ml, or about one-third of a cup.

The quarter-*log* is a standard unit of measurement with regard to various halakhic matters. For example, a quarter-*log* is the minimum amount of wine over which *kiddush* may be recited, the minimum amount of wine that a nazirite is punished for drinking, and the minimum quantity of certain edible liquids for which one is liable for violating the prohibition against transferring objects from one domain to another on Shabbat.

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אִיבָּא בֵּינַיְיהוּ, דְּרַבִּי יוֹחָנָן מְרַבֵּי אֲפִילּוּ אוֹכָלִין, וְרַבִּי אֶלְעָזָר מַשְׁקִין – אִין, מִידֵּי אַחֲרִינָא – לָא.

The Gemara answers: **There is** a difference **between them, as Rabbi Yoḥanan amplifies** the *halakha* to include **even foods,** i.e., he renders a nazirite liable for eating an olive-bulk of bread and grapes combined, **and Rabbi Elazar** maintains that with regard to **liquids, yes,**[N] the permitted combines with the forbidden, but for **other matters,** i.e., solids, **no,** the different foods do not combine.

אָמַר רַבִּי אֶלְעָזָר: עֶשֶׂר רְבִיעִיּוֹת הֵן. וְנֶקִיט רַב כָּהֲנָא בִּידֵיהּ: חֲמֵשׁ סוּמַקְתָּא וְחָמֵשׁ חִיוַּרְתָּא. חָמֵשׁ סוּמַקְתָּא: ״נָזִיר וְעוֹשֶׂה פֶּסַח שָׁהוֹרוּ בַּמִּקְדָּשׁ וּמֵתוּ״.

§ Apropos a quarter-*log*, the Gemara cites a statement that **Rabbi Elazar says: There are ten** applications of the **quarter**-*log* measurement in various areas of *halakha*, **and Rav Kahana held in his hand** the following mnemonic for them: **Five** are **red and five** are **white.** The Gemara elaborates: The **five red** ones of wine and blood are listed in the following mnemonic: **A nazirite; and one who performs** the ritual of **the Paschal offering; who instructed; in the Temple; and they died.**

״נָזִיר״ – רְבִיעִית יַיִן לְנָזִיר. ״עוֹשֶׂה פֶּסַח״ – דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: אַרְבַּע כּוֹסוֹת הַלָּלּוּ צָרִיךְ שֶׁיְּהֵא בָּהֶן כְּדֵי רְבִיעִית. ״שָׁהוֹרוּ״ – שָׁתָה רְבִיעִית יַיִן אַל יוֹרֶה. ״בַּמִּקְדָּשׁ״ – שָׁתָה רְבִיעִית יַיִן, וְנִכְנַס לַמִּקְדָּשׁ – חַיָּיב מִיתָה.

The Gemara explains this mnemonic: **A nazirite,** this is referring to the **quarter**-*log* **of wine for** which **a nazirite**[NH] is liable for drinking. **Who performs** the ritual of the **Paschal offering,** this is **as Rav Yehuda says** that **Shmuel says:** It is a mitzva to drink **these four cups**[H] at the Passover seder and **they must** each **contain** the amount of **a quarter**-*log*. **Who instructed,** this is referring to the following *halakha*: One who **drank a quarter**-*log* **of wine may not issue rulings**[H] to others in matters of *halakha*, lest he err. **In the Temple,** this is referring to the *halakha* that one who **drank a quarter**-*log* **of wine and entered the Temple**[H] **is liable** to receive **the death penalty** (see Leviticus 10:9).

״וּמֵתוּ״ – דְּתַנְיָא: מִנַּיִן לִרְבִיעִית דָּם שֶׁיּוֹצְאָה מִשְּׁנֵי מֵתִים שֶׁהִיא מְטַמְּאָה בְּאֹהֶל, שֶׁנֶּאֱמַר ״וְעַל כָּל נֶפֶשׁ מֵת לֹא יָבֹא״.

And they died, this is **as it is taught** in a mishna (*Oholot* 2:10): **From where** is it derived with regard **to a quarter**-*log* **of blood that emerges from two corpses,**[H] **that it renders** people and objects **ritually impure in a tent,** i.e., a house, meaning that one who enters that house contracts ritual impurity imparted by a corpse? **As it is stated,** with regard to the prohibition against ritual impurity for priests: **“Neither shall he go in to any dead bodies”** (Leviticus 21:11). The plural form indicates that the blood of two people joins together to form the minimum amount of a quarter-*log* for ritual impurity in a tent.

NOTES

Liquids, yes, etc. – מַשְׁקִין אִין וכו׳: This differentiation is based on the fact that the Torah mentions soaking, which refers specifically to liquids (Commentary on *Nazir*). Some commentaries suggest that the *halakha* is more stringent with regard to liquids because they become a homogeneous mixture, which is not the case with regard to foods (*Ḥiddushei Batra*). The commentaries disagree with regard to Rabbi Elazar’s opinion. Some explain that he agrees with Rabbi Akiva (37a) that bread soaked in wine is forbidden. The difference between them is that Rabbi Elazar accepts the initial version of the mishna, that the prohibited measurement of wine is a quarter-*log* (Rabbeinu Azriel, cited in *Shita Mekubbetzet*). Conversely, others maintain that Rabbi Elazar agrees with the initial version of the mishna in all respects. Just as the initial version of the mishna differentiates between the amounts of food and drink, it likewise maintains that liquids combine only with each other, not with bread, as claimed by Rabbi Akiva (Rabbi Avraham min HaHar, citing Commentary on *Nazir*). It is possible that this dispute depends on whether the term “soaked” refers only to liquids mixed together or whether it includes a mixture of liquids and solids.

A quarter-*log* of wine for a nazirite – רְבִיעִית יַיִן לְנָזִיר: The measure for liability for drinking wine is subject to a dispute, as Rabbi Akiva says it is an olive-bulk. This is problematic, as the Gemara states later that no disputed matters are included in this list. Some commentaries suggest that only the five white quarter-*log halakhot* are unanimous, whereas the five red ones include cases under dispute (*Tosafot*). Others cite in proof the example of a quarter-*log* of blood from two corpses, which is also subject to a dispute (Rabbeinu Azriel, cited in *Shita Mekubbetzet*; see Commentary on *Nazir*).

HALAKHA

A quarter-*log* of wine for a nazirite – רְבִיעִית יַיִן לְנָזִיר: A nazirite who drinks a quarter-*log* of wine or vinegar is flogged (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 5:2).

Four cups – אַרְבַּע כּוֹסוֹת: Each of the four cups of wine on Passover must measure a quarter-*log* after dilution, which is optional (Rema). One must drink all, or at least most, of the cup (Rambam *Sefer Zemanim*, *Hilkhot Ḥametz UMatza* 7:9; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 472:9).

One who drank a quarter-*log* of wine may not issue rulings – שָׁתָה רְבִיעִית יַיִן אַל יוֹרֶה: It is prohibited to issue halakhic rulings while drunk, whether from wine or any other intoxicating substance. Some claim that one is permitted to rule on monetary matters; however, most later authorities prohibit this, especially if one is judging the case alone. This *halakha* applies if one drank a quarter-*log* of undiluted wine and did not nap afterward. Some authorities are lenient if he drank no more than a quarter-*log* of modern wine (*Sma*). If one drank a large amount of wine he must wait until the effects have worn off (*Beit Yosef*), and according to some authorities (see *Shakh*), he may not issue halakhic rulings until the following day (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 1:3; *Shulḥan Arukh*, *Yoreh De’a* 242:13 and *Ḥoshen Mishpat* 7:5).

One drank a quarter-*log* of wine and entered the Temple – שָׁתָה רְבִיעִית יַיִן, וְנִכְנַס לַמִּקְדָּשׁ: If a priest who was fit to serve in the Temple drank in one sitting a quarter-*log* of undiluted wine that is at least forty days old, he is prohibited from entering the area of the altar and beyond. If he did so, his service is invalid and he is liable to receive death at the hand of Heaven. However, if he drank less than a quarter-*log* or if he did not drink it all at once, or if the wine was diluted to the extent that it contained less than a quarter-*log* of undiluted wine, or if it had been squeezed less than forty days prior, he is exempt and his service is valid (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 1:1).

A quarter-*log* of blood that emerges from two corpses – רְבִיעִית דָּם שֶׁיּוֹצְאָה מִשְּׁנֵי מֵתִים: A quarter-*log* of blood from two corpses is ritually pure, as the quarter-*log* must come from a single corpse to impart impurity. The *halakha* is not in accordance with the Gemara here, as it rules in accordance with Rabbi Akiva, whose ruling is disputed by his colleagues (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:1).

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וְחָמֵשׁ חִיּוּרֹתָא: ״חַלַּת נָזִיר וּמְצוֹרָע שֶׁנִּפְסְלוּ בְּשַׁבָּת״. ״חַלַּת״ – רְבִיעִית שֶׁמֶן לְחַלָּה; ״נָזִיר״ – רְבִיעִית שֶׁמֶן לְנָזִיר; ״מְצוֹרָע״ – רְבִיעִית מַיִם לְמְצוֹרָע; ״שֶׁנִּפְסְלוּ״ – דִּתְנַן: וּשְׁאָר כָּל הַמַּשְׁקִין טְמֵאִין פּוֹסְלִין אֶת הַגְּוִיָּה בִּרְבִיעִית.

And the **five white** cases of oil and water are listed in this mnemonic: **The loaf of, a nazirite, and a leper, which were disqualified, on Shabbat.** The Gemara elaborates: **The loaf of,** this is referring to the **quarter**-*log* **of oil** added **to the loaves**[NH] of a thanks-offering. **A nazirite,** this is referring to the **quarter**-*log* **of oil for** the wafers of **a nazirite,**[H] which were brought with his offering. **A leper,** this is referring to the **quarter**-*log* of spring **water** into which a bird is slaughtered **for** the ritual purification of **a leper**[H] (see Leviticus 14:5). **Which were disqualified,** this is **as we learned** in a mishna (*Me'ila* 17b): **And all other ritually impure liquids disqualify the body** to the extent that one who drinks them may not eat *teruma*, if one drank the amount **of** one **quarter**-*log*.[H]

״בְּשַׁבָּת״ – דִּתְנַן: וּשְׁאָר כָּל הַמַּשְׁקִין בִּרְבִיעִית, וּשְׁאָר כָּל הַשּׁוֹפְכִים בִּרְבִיעִית.

On Shabbat, this is **as we learned** in a mishna which lists the minimum amounts of various liquids for which one is liable for violating the *halakhot* of Shabbat for carrying them from one domain to another. At the conclusion of this list, the mishna states (*Shabbat* 76b): **And** the measure that creates liability for carrying **all other liquids,** those not specified in the list, is **a quarter**-*log*,[H] **and** the measure for carrying **all waste water** is likewise **a quarter**-*log*. This completes the list of ten *halakhot* that feature the quarter-*log*.

וְתוּ לֵיכָא? וְהָאֵיכָּא: מֵרְבִיעִית נוֹטְלִין לַיָּדַיִם, לְאֶחָד וַאֲפִילּוּ לִשְׁנַיִם! בְּפְלוּגְתָּא לָא קָא מַיְירֵי.

The Gemara asks: **And are there no more** than ten? **But there is** also the following mishna (*Yadayim* 1:1): **With a quarter**-*log* of water **one can wash the hands**[H] **of one** person before eating bread, **and** this amount can be used **even for two** people, if they do so in the correct manner. The Gemara answers: Rabbi Elazar, who listed ten cases, **does not deal** with *halakhot* that are subject **to a dispute,**[N] and some Sages disagree with the ruling that two people can wash their hands with a single quarter-*log*.

וְהָא אִיכָּא: הָיָה מֵבִיא פַּיְילֵי שֶׁל חֶרֶס וְנוֹתֵן לְתוֹכָהּ חֲצִי לוֹג מַיִם מִן הַכִּיּוֹר, וְרַבִּי יְהוּדָה אוֹמֵר: רְבִיעִית! בְּפְלוּגְתָּא לָא קָא מַיְירֵי.

The Gemara further asks: **But there is** this *halakha* concerning a *sota* (*Sota* 15b): The priest who dealt with a *sota* **would bring an earthenware vessel** [***pailei***][HL] **and place in it a half**-*log* **of water from the basin** in the Temple, **and Rabbi Yehuda says** it was **a quarter**-*log*. This is another case involving a quarter-*log*. The Gemara answers as before, that Rabbi Elazar **does not deal** with *halakhot* that are subject **to a dispute,** and this quarter-*log* applies only according to the opinion of Rabbi Yehuda.

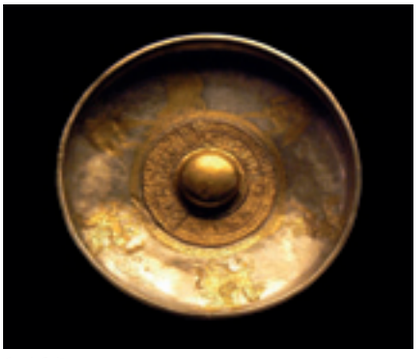
NOTES

The quarter-*log* of oil added to the loaves – רְבִיעִית שֶׁמֶן לְחַלָּה: The commentaries discuss this issue at length, and conclude that it refers to the quarter-*log* of oil the High Priest uses for his special meal-offering that resembles a wafer [*ḥavitin*], a measure with regard to which there is unanimity among the Sages (Commentary on *Nazir*). However, most commentaries explain that this refers to the amount of oil added to the loaves of the thanks-offering, and there is even a version of the text in which this is explicitly stated (see Commentary on *Nazir*). The half-*log* of oil for the loaves of the thanks-offering is divided into two quarter-*log*, one for the loaves and wafers and the other for the meal-offering prepared in a deep container (see *Menaḥot* 89a).

He does not deal with *halakhot* subject to a dispute – בְּפְלוּגְתָּא לָא קָא מַיְירֵי: This excludes *halakhot* such as washing of the hands, concerning which there are several opinions. Nevertheless, the example of washing hands is problematic, as a quarter-*log* is the basic amount for washing one's hands before bread, and therefore this case should have been included. One answer is that as a quarter-*log* can be used for two people, this case does not involve a full quarter-*log* for each individual (Meiri). Alternatively, Rabbi Elazar includes only those cases in which a quarter-*log* is enough, whereas it is praiseworthy to add more than the minimum amount of water for washing one's hands (*Haggahot Rav Yosef Ḥanina Meizlish*). Yet others suggest that in this context the term dispute does not mean a difference of opinion. Instead, it means: Divided, i.e., various measures apply to the amount that suffices for washing one's hands (*Ḥazon Ish*).

LANGUAGE

Vessel [*pailei*] – פַּיְילֵי: From the Greek φιάλη, *fialē*, and the Latin phiala, meaning a vessel used for cooking and drinking. The *pailei* was made from clay, metal, or other materials, and was apparently shaped like a shallow pan. This is the Aramaic translation of the Hebrew *ke'arot* (Exodus 25:29), which are among the vessels of the Temple. It is possible that there were larger vessels of the same name.



Greek *fialē*

HALAKHA

A quarter-*log* of oil added to the loaves – רְבִיעִית שֶׁמֶן לְחַלָּה: Each of the High Priest's loaves of his special meal-offering resembling a wafer must contain a quarter-*log* of oil, which is measured in the measuring vessel of a quarter-*log* in the Temple. The loaves are first baked with a small amount of oil, before they are fried in a pan with the remainder of the oil (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 13:3).

The loaves brought with a thanks-offering are half of leavened bread and half of *matza*, with the *matzot* divided into three categories: Loaves, wafers, and flour mixed with water and oil. It is a *halakha* transmitted to Moses from Sinai that a half-*log* of oil is used for the various types of *matza*, half of which, i.e., a quarter-*log*, is for the flour mixed with water and oil, while the other half is for the loaves and wafers (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 9:17–21).

A quarter-*log* of oil for a nazirite – רְבִיעִית שֶׁמֶן לְנָזִיר: This refers to the loaves of a nazirite: Ten loaves are *matza*, and ten are *matza* wafers. The quarter-*log* of oil added to them is derived from a *halakha* transmitted to Moses from Sinai (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 9:23 and *Sefer Hafla'a*, *Hilkhot Nezirut* 8:1).

A quarter-*log* of water for a leper – רְבִיעִית מַיִם לִמְצוֹרָע: The purification ritual of a leper includes a new earthenware vessel into which the priest places a quarter-*log* of spring water that is fit to be used for the red heifer. The requirement to use this amount is by rabbinic law (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:1).

Disqualify the body, of a quarter-*log* – פּוֹסְלִין אֶת הַגְּוִיָּה בִּרְבִיעִית: One who drinks ritually impure liquids is rendered impure only if he consumed a quarter-*log*. All liquids combine to constitute this amount (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 8:11 and *Hilkhot Tumat Okhalin* 4:3).

All other liquids, is a quarter-*log* – שְׁאָר כָּל הַמַּשְׁקִין בִּרְבִיעִית: A quarter-*log* is the measure that creates liability for carrying on Shabbat any liquids for which no other amount is specified. This is also the measure for all waste water that is poured away (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 18:2).

With a quarter-*log* one can wash the hands, etc. – מֵרְבִיעִית נוֹטְלִין לַיָּדַיִם וכו': One must wash his hands in at least a quarter-*log* of water. However, if two people washed together or successively, one quarter-*log* suffices for both of them, provided that there is no pause in the flow of the water (Rambam *Sefer Tahara*, *Hilkhot Mikvaot* 11:8; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 160:13).

He would bring a…vessel, etc. – הָיָה מֵבִיא פַּיְילֵי וכו': A completely new earthenware vessel must be used for the ritual of the *sota*, and it must even have the appearance of a new vessel. This vessel is filled with half a *log* of water from the basin in the Temple, contrary to the opinion of Rabbi Yehuda (Rambam *Sefer Nashim*, *Hilkhot Sota* 3:9).

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וְהָאִיכָּא: כַּמָּה מַיִם נוֹתֵן לְתוֹכָהּ – כָּל שֶׁהוּא, רַבִּי זַכַּאי אוֹמֵר: רְבִיעִית! בִּפְלוּגְתָּא לָא קָא מַיירֵי. וְהָאִיכָּא מִקְוֶה! בַּר מֵהַהִיא, דְּבִטְּלוּהָ רַבָּנַן.

The Gemara continues to ask. **But there is** the following *halakha*: **How much water must one place in** a vessel[H] that contains urine, before he can pray nearby? **Any quantity** is sufficient. **Rabbi Zakkai said: A quarter**-*log*. The Gemara again answers that Rabbi Elazar **does not deal** with *halakhot* that are subject **to a dispute.** The Gemara suggests another example: **But there is** the case of **a ritual bath,**[H] as it is taught that one may immerse extremely small vessels in a quarter-*log* of rainwater in the ground. The Gemara answers: His list **excludes that** case, **as the Sages annulled** that *halakha*[H] by ruling that one must use a standard ritual bath of forty *se'a* even for extremely small vessels.

HALAKHA

How much water must one place in it – כַּמָּה מַיִם נוֹתֵן לְתוֹכָהּ: Although it is prohibited to recite *Shema* in the presence of urine, if one places a quarter-*log* of water in a vessel that contains one discharge of urine he may recite *Shema*, provided that the vessel does not emit a foul odor. The *halakha* is in accordance with the opinion of Rabbi Zakkai (Rambam *Sefer Ahava*, *Hilkhot Keriat Shema* 3:10; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 87:1).

But there is a ritual bath – וְהָאִיכָּא מִקְוֶה: If three *log* of drawn water fall into a ritual bath that lacks the requisite forty *se'a*, all its water is invalidated. However, it is not invalidated by a quarter-*log* of drawn water, in accordance with the conclusion of the Gemara (*Shulḥan Arukh*, *Yoreh De'a* 201:15).

Excludes that, as the Sages annulled it – בַּר מֵהַהִיא, דְּבִטְּלוּהָ רַבָּנַן: Although it is permitted by Torah law to immerse vessels in a ritual bath that contains a quarter-*log* of water, the Sages annulled this practice, and insisted that one must use a ritual bath of forty *se'a* for all purification. However, if in the side of the ritual bath there is a hole with a capacity of a quarter-*log*, one may immerse any vessels there that are entirely covered by the water it contains (*Shulḥan Arukh*, *Yoreh De'a* 120:1, 201:57 and *Shakh* there).

Perek **VI**
Daf **38** Amud **b**

"וְאֵינוֹ חַיָּיב אֶלָּא עַד שֶׁיֹּאכַל מִן הָעֲנָבִים כַּזַּיִת" וכו'. תַּנָּא קַמָּא לָא מְדַמֵּי לְהוֹן לְכָל אִיסּוּרֵי נָזִיר לִשְׁתִּיָּה. וְרַבִּי עֲקִיבָא: כְּיָון דִּכְתִיב "וַעֲנָבִים לַחִים וִיבֵשִׁים לֹא יֹאכַל", מָה אֲכִילָה כַּזַּיִת – אַף כָּל אִיסּוּרִין כַּזַּיִת.

§ The mishna taught: **And he is liable** to receive lashes **only if he eats an olive-bulk of the grapes.** The mishna continues by noting that with regard to drinking, the first *tanna* holds that a nazirite is liable for a quarter-*log*, whereas Rabbi Akiva maintains that the amount of an olive-bulk applies to liquids as well. The Gemara explains this dispute: **The first *tanna* does not liken**[N] **all the** other **prohibitions of a nazirite to** the prohibition of **drinking** wine, and therefore the measurements for eating and drinking are the same as for prohibitions in other contexts: An olive-bulk of food and a quarter-*log* of drink. **And Rabbi Akiva** maintains that **since it is written: "Nor eat fresh grapes**[N] **or dried"** (Numbers 6:3), this verse teaches that **just as eating** is measured by the amount of **an olive-bulk, so too, all the prohibitions** of a nazirite are measured by **an olive-bulk.**

["וְחַיָּיב עַל הַיַּיִן בִּפְנֵי עַצְמוֹ" כו'].
תָּנוּ רַבָּנַן: "וַעֲנָבִים לַחִים וִיבֵשִׁים לֹא יֹאכַל" – לְחַיֵּיב עַל זֶה בִּפְנֵי עַצְמוֹ, וְעַל זֶה בִּפְנֵי עַצְמוֹ. מִכָּאן אַתָּה דָּן לְכָל אִיסּוּרִין שֶׁבַּתּוֹרָה: מַה כָּאן, שֶׁהוּא מִין אֶחָד וְהֵן שְׁנֵי שֵׁמוֹת, וְחַיָּיב עַל זֶה בִּפְנֵי עַצְמוֹ וְעַל זֶה בִּפְנֵי עַצְמוֹ, אַף כָּל שֶׁהוּא מִין אֶחָד וְהֵן שְׁנֵי שֵׁמוֹת, חַיָּיב עַל זֶה בִּפְנֵי עַצְמוֹ וְעַל זֶה בִּפְנֵי עַצְמוֹ.

§ The mishna further taught: **And he is liable for** consuming **wine by itself,** and for grapes by themselves, and for grape seeds by themselves, and for grape skins by themselves. **The Sages taught:** The verse: "**Nor eat fresh grapes or dried**" (Numbers 6:3), serves **to render** him **liable for this by itself**[N] **and for that by itself,** i.e., that he need not consume all of the grape products listed in the verses. **From here you derive** the *halakha* with regard **to all prohibitions of the Torah: Just as here there is one type** of food, grapes, **which are** called by **two names,** fresh or dried, **and he is liable for this by itself and for that by itself, so too,** in **all** cases where there **is one type and they are** called by **two names,**[H] **one is liable for this by itself and for that by itself.**

לְאִיתּוּיֵי חַמְרָא חֲדָתָא וְעִינְבֵי.

The Gemara adds that in the case of a nazirite this principle serves **to include new wine,** i.e., grape juice, **and grapes.**[H] Although these are apparently a single type, as the juice, before fermenting, is merely grapes in liquid form, nevertheless one is liable for grape juice and grapes separately, as they have different names.

NOTES

The first *tanna* does not liken – תַּנָּא קַמָּא לָא מְדַמֵּי: There are two basic opinions with regard to the initial version of the mishna. According to one opinion, the dispute is between Rabbi Akiva and the first ruling, i.e., the first *tanna* mentioned here, and concerns only the amount of wine for which a nazirite is liable. The first *tanna* maintains that he is liable for a quarter-*log*, whereas Rabbi Akiva rules that it is an olive-bulk. According to the other opinion, their dispute refers to all the prohibitions of a nazirite: The first *tanna* maintains that the measurement for both drinking and eating is a quarter-*log*, whereas Rabbi Akiva contends that the relevant amount in all cases is an olive-bulk. The standard text of the Gemara follows the first interpretation, that the first *tanna* does not compare all the prohibitions of a nazirite to drinking. Rather, the amount for drinking is a quarter-*log* while that for eating is an olive-bulk (*Tosafot*). Others have a different version of the Gemara, which follows the second opinion: The first *tanna* compares all the prohibitions of a nazirite to drinking in general. In other words, the nazirite's prohibitions with regard to eating are also measured by a quarter-*log*, which is the measure for prohibitions involving drinking in other areas of *halakha* (Rosh).

Nor eat…grapes – וַעֲנָבִים…לֹא יֹאכַל: Just as one is liable for eating grapes by the amount of an olive-bulk, he is likewise liable for consuming the same amount when the grapes are in a different state, namely a liquid (Commentary on *Nazir*). Others explain that this derivation is based on the term "nor," which connects the adjacent prohibitions: Just as grapes are forbidden by an olive-bulk, so too, the previously stated prohibition, i.e., anything soaked in grapes, also applies by the same amount (*Tosafot*). Some versions of the text cite a different verse: "Anything that is made from the grapevine, from the skins to the seeds, he may not eat" (Numbers 6:4). Since this verse refers to "anything that is made from the grapevine," including wine, an employs the phrase "he may not eat," this indicates that the amount for liability with regard to wine is the same as with regard to grapes (Meiri; see *Sifrei*).

To render him liable for this by itself, etc. – לְחַיֵּיב עַל זֶה בִּפְנֵי עַצְמוֹ וכו': The verse could simply have stated: Nor eat grapes. Since it states: "Nor eat fresh grapes or dried," this teaches that one who eats two types is liable to two sets of lashes, as they are considered separate prohibitions.

HALAKHA

All cases where there is one type and they are called by two names – כָּל שֶׁהוּא מִין אֶחָד וְהֵן שְׁנֵי שֵׁמוֹת: A nazirite who drinks a quarter-*log* of wine and a quarter-*log* of vinegar is flogged only once. Some authorities (Ra'avad; see *Migdal Oz*) dispute this ruling (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:9 and *Kesef Mishne* there).

New wine and grapes – חַמְרָא חֲדָתָא וְעִינְבֵי: If a nazirite ate an olive-bulk of grapes and drank a quarter-*log* of wine or grape juice, he is liable for a separate set of lashes for each. This includes a case where one squeezed a cluster of grapes and drank a quarter-*log* of the juice (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:8).

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אָמַר אַבַּיֵי: אָכַל חַרְצָן – לוֹקֶה שְׁתַּיִם, אָכַל זָג – לוֹקֶה שְׁתַּיִם, אָכַל חַרְצָן וְזָג – לוֹקֶה שָׁלֹשׁ. רָבָא אָמַר: אֵינוֹ לוֹקֶה אֶלָּא אַחַת, שֶׁאֵינוֹ לוֹקֶה אֲלָאו שֶׁבִּכְלָלוֹת.

§ **Abaye says:** A nazirite who **ate a grape seed is flogged twice,** i.e., two sets of thirty-nine lashes, one set for the specific prohibition stated with regard to grape seeds, and the other for the general prohibition "anything that is made of the grapevine" (Numbers 6:4). Likewise, if he **ate a grape skin he is flogged twice.** If he **ate a grape seed and a grape skin he is flogged three** times, for the seed, for the skin, and for the prohibition "anything that is made of the grapevine." **Rava says: He is flogged only once**[NH] if he ate a seed or a skin. He is not flogged for "anything that is made of the grapevine," **because one is not flogged for** violating **a general prohibition.**[H] One is not liable to receive lashes for violation of a single prohibition that includes many items or cases.

מְתִיב רַב פַּפָּא: רַבִּי אֱלִיעֶזֶר אוֹמֵר: נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ "אַל תִּשְׁתֶּה" "אַל תִּשְׁתֶּה" וְהוּא שׁוֹתֶה – חַיָּיב עַל כָּל אַחַת וְאַחַת. אָכַל עֲנָבִים לַחִים וְיבֵשִׁים, חַרְצַנִּים וְזַגִּים, וְסָחַט אֶשְׁכּוֹל שֶׁל עֲנָבִים וְשָׁתָה – לוֹקֶה חֲמֵשׁ. אִי הָכִי – לֵילְקֵי שֵׁשׁ, אַחַת עַל "מִכֹּל אֲשֶׁר יֵעָשֶׂה"!

Rav Pappa raised an objection to Abaye's statement. **Rabbi Eliezer says: A nazirite who was drinking wine**[H] **all day is liable to** receive **only one** set of lashes. If two witnesses **said to him** in warning: **Do not drink, do not drink, and he** continued **drinking, he is liable for each and every one** of the warnings that was followed by an act of drinking. If he **ate grapes and raisins, grape seeds and grape skins, and squeezed a cluster of grapes and drank** the juice, **he is flogged five** times. The difficulty for Abaye is as follows: **If so,** that Abaye's opinion is accepted, **let him be flogged six** times, to include **one** more **for** transgressing the verse "**anything that is made** of the grapevine" (Numbers 6:4).

תְּנָא וְשַׁיֵּיר. מַאי שַׁיֵּיר דְּהַאי שַׁיֵּיר? שַׁיֵּיר "לֹא יַחֵל דְּבָרוֹ".

Abaye responded: Rabbi Eliezer **taught** certain prohibitions **and omitted** others. He did not include all the prohibitions for which one is liable to be flogged. The Gemara asks: **What** else **did he omit that he omitted this?** He would not have listed all relevant prohibitions less one. The Gemara answers: **He** also **omitted** the additional prohibition of "**He shall not profane his word**" (Numbers 30:3),[H] as the nazirite profaned his word by violating his vow of naziriteship.

אִי מִשּׁוּם הַאי – לָאו שִׁיּוּרָא הוּא, כִּי קָתָנֵי מִידֵּי דְּלָא אִיתֵּיהּ בְּדוּכְתָּא אַחֲרִיתִי: "לֹא יַחֵל דְּבָרוֹ" אִיתֵּיהּ בִּנְדָרִים.

The Gemara retorts: **If** it is **due to that** verse, this **is not an omission, as when** Rabbi Eliezer **teaches** and lists the lashes which a nazirite is liable to receive, he includes only **matters that are not** found **elsewhere,** i.e., he mentions only prohibitions that apply exclusively to a nazirite. The prohibition "**He shall not profane his word**" **is** relevant **to vows** in general, and therefore he omitted it. Consequently, Rabbi Eliezer should have mentioned the prohibition "anything that is made of the grapevine," and the fact that he did not do so presents a difficulty for the opinion of Abaye.

אָמַר לֵיהּ רָבִינָא מִפַּרְזַקְיָא לְרַב אַשִׁי: וְהָא שַׁיֵּיר דְּבֵין הַבֵּינַיִם! אֶלָּא אָמַר רַב פַּפָּא: לָא תַּנְיָא מִידֵּי חָמֵשׁ. –וְהָא

Ravina from Parzakya said to Rav Ashi: But he omitted the case **of in between.**[N] Rabbi Eliezer could have added that a nazirite is liable not only for the seed and skin of a grape but also for the substances in between them, as the verse: "From pits to grape skin" (Numbers 6:4), comes to include all that is in between the two (see 34b). **Rather, Rav Pappa said:** Actually, Rabbi Eliezer **did not teach anything** about **five** sets of lashes, but merely stated that he is flogged for all those actions, without enumerating the precise number. Therefore, this source does not present a difficulty for Abaye. The Gemara asks: **But**

NOTES

He is flogged only once – אֵינוֹ לוֹקֶה אֶלָּא אַחַת: Two explanations of Rava's opinion are suggested (Commentary on *Nazir*). According to one opinion, even a nazirite who ate seeds and skins together is flogged only once, as Rava maintains that all the details specified by the Torah with regard to a nazirite merely teach what is included in his prohibition. They are not considered distinct prohibitions. It is difficult to explain the mishna according to this opinion, which is rejected by many commentaries. The other interpretation, accepted by most authorities, is that he is flogged only once if he ate a grape seed or skin, because he is not flogged for the prohibition against "anything that is made of the grapevine."

He omitted the case of in between – שַׁיֵּיר דְּבֵין הַבֵּינַיִם: There are various opinions with regard to the meaning of: In between, in this context (see 35a). Some explain that it means the substance of the grape itself, whereas others claim that it refers to small grapes that sprout between the larger ones (Rabbeinu Tam).

HALAKHA

He is flogged only once – אֵינוֹ לוֹקֶה אֶלָּא אַחַת: A nazirite who ate an olive-bulk of grape seeds or skins is flogged twice, once for the seed or skin and once for violating "he shall not profane his word" (Numbers 30:3). However, he is not flogged for violating "anything that is made of the grapevine," as that is a prohibition stated in general terms. The *halakha* is in accordance with the opinion of Rava, as is usual in his disputes with Abaye, especially as here Rav Pappa and others agree with this ruling (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:8 and Ra'avad and *Kesef Mishne* there).

One is not flogged for a general prohibition – אֵינוֹ לוֹקֶה אֲלָאו שֶׁבִּכְלָלוֹת: One who violates a prohibition stated in general terms is not flogged. A prohibition stated in general terms refers to a single prohibition which applies to various areas of *halakha*, e.g., as it is stated in the verse: "You shall not eat with the blood" (Leviticus 19:26; see *Sanhedrin* 63a). Likewise, if the Torah states prohibitions by the formula: You shall not do this action and that action, without stating a separate prohibition for each of them, these are also prohibitions stated in general terms (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 18:2).

A nazirite who was drinking wine, etc. – נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן וכו': If a nazirite drank wine for an entire day and was warned only once, he is flogged once, although he is liable to be punished by Heaven for each quarter-*log* he consumes. However, if he was warned for each quarter-*log* and he drank regardless, he is flogged for every quarter-*log* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10).

He omitted, he shall not profane his word – שַׁיֵּיר, לֹא יַחֵל דְּבָרוֹ: With regard to a nazirite who transgressed more than one prohibition of naziriteship at one time, e.g., by eating an olive-bulk of grapes and drinking a quarter-*log* of wine or contracting ritual impurity from a corpse, he is flogged for each separate transgression. In addition, he is flogged for violating the prohibition "he shall not profane his word" (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:8).

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אוֹתְבִיהּ חֲמֵשׁ, וּמֵאַחַר דְּלָא תַּנְיָא חֲמֵשׁ מַאי טַעְמָא אוֹתְבִיהּ? אֲמַר רַב פַּפָּא: אֲנָא סָבְרִי לָאו גְּמָרָא הִיא בִּידֵיהּ וַהֲדַר בֵּיהּ, וְלָא יָדַעְנָא דִּגְמָרָא הִיא בִּידֵיהּ וְלָא הֲדַר בֵּיהּ.

Rav Pappa himself **raised** his **objection to** Abaye's opinion based on the premise that the *tanna* taught **five** sets of lashes, **and since** in the *baraita* it **is not taught five** sets of lashes, **what is the reason** that Rav Pappa **raised** his **objection to** Abaye's opinion? **Rav Pappa said: I held**[N] that **it is not a tradition in** Abaye's **hand** that a nazirite is also flogged for "anything that is made of the grapevine," but merely his own opinion, **and** therefore I assumed that were I to cite a *baraita* that explicitly contradicts his opinion **he** would **retract** his opinion. Consequently, I myself changed the wording of the *baraita* to see how Abaye would respond. **But I did not know that** this *halakha* **is a tradition in** Abaye's **hand and** that therefore **he did not** retract his opinion.

"רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אוֹמֵר" כּוּ'. אֲמַר רַב יוֹסֵף: כְּמַאן מְתַרְגְּמִינַן "מִפּוּרְצָנִין וְעַד עִיצּוּרִין" כְּרַבִּי יוֹסֵי.

§ The mishna taught: **Rabbi Elazar ben Azarya says:** He is liable only if he eats at least two *ḥartzannim* and one *zag* that together form the volume of an olive-bulk. The mishna then cites two opinions as to whether *ḥartzan* is a grape seed and *zag* is the skin, or the reverse. **Rav Yosef said: In accordance with whose** opinion do **we translate** the verse "from *ḥartzannim* to *zag*" (Numbers 6:4) as: **From the seeds** [***purtzanin***]L **to the skins** [***itzurin***]?L He explains: This translation is **in accordance with** the opinion of **Rabbi Yosei.**

מתני' סְתָם נְזִירוּת שְׁלֹשִׁים יוֹם. גִּילַּח אוֹ שֶׁגִּילְּחוּהוּ לִסְטִים – סוֹתֵר שְׁלֹשִׁים יוֹם. נָזִיר שֶׁגִּילַּח, בֵּין בְּזוּג בֵּין בְּתַעַר, אוֹ שֶׁסִּיפֵּסַף כָּל שֶׁהוּא – חַיָּיב.

MISHNA **A naziriteship** of **unspecified** length[H] lasts for **thirty days.** If a nazirite **shaved** his hair during that period, **or if he was shaved by bandits** [***listim***][HL] against his will, this **negates thirty**[N] **days** of his naziriteship, which he must count afresh. With regard to **a nazirite who shaved**[H] his hair, **whether** he did so **with scissors or with a razor, or** if he **pulled out** [***sifsef***]L **any amount,**[N] he **is liable.**

גמ' אִיבַּעְיָא לְהוּ: הַאי מַזָּא, מִלְּתַחַת רַבִּי אוֹ מִלְּעֵיל? לְמַאי נָפְקָא מִינָּהּ – לְנָזִיר שֶׁגִּילְּחוּהוּ לִסְטִים וְשִׁיְּירוּ בּוֹ כְּדֵי לָכוֹף רֹאשׁוֹ לְעִיקָּרוֹ;

GEMARA **A dilemma was raised before** the Sages: Does **this hair** that grows on the body **grow from the bottom or from the top?** Which part of the hair is new? The Gemara explains: **What** is the **difference** between these possibilities? The Gemara answers: It is relevant for the case **of a nazirite who was shaved by bandits** or shaved himself, **but** his head was not entirely shaved. Rather, **they left** part **of it,** so that the hair is long **enough to bend its end**[N] **to its root.**

אִי אָמַרְתְּ מִלְּתַחַת רַבִּי – נְזִירוּת הָא שַׁקְלֵיהּ, אֶלָּא אִי אָמַרְתְּ מִלְּעֵיל רַבִּי – מַאי דְּאַקְדֵּישׁ הָא קָאִים.

The Gemara explains the two sides of the dilemma: **If you say** that hair **grows from the bottom, he has removed** the hair of **the naziriteship,**[N] which is the hair he vowed not to shave, and therefore he must add extra days to his term of naziriteship to allow for its proper growth. **But if you say that** it **grows from the top, that** hair **which he sanctified still exists** in part. Consequently, he may conclude his naziriteship and perform the mitzva of shaving.

NOTES

I held – אֲנָא סָבְרִי: Some commentaries maintain that Rav Pappa's version of the *baraita* did not state: Five sets of lashes. Rather, Rav Pappa deliberately inserted this number himself to see whether Abaye's opinion was based on logic alone, in which case he would retract it, or if he had a tradition to that effect, which would lead him to seek another interpretation of the *baraita* (*Tosafot*). Alternatively, Rav Pappa himself was under the impression that the correct wording of the *baraita* included the phrase: Five sets of lashes. Upon hearing Abaye's answer, he reexamined the matter and discovered that the *baraita* can in fact be read and explained differently (Meiri).

This negates thirty – סוֹתֵר שְׁלֹשִׁים: A nazirite's hair must be left to grow for thirty days in order to fulfill the requirement stated in the verse: "He shall let the locks of the hair of his head grow long" (Numbers 6:5), meaning that his hair must be long enough for the nazirite to fulfill the mitzva of shaving at the end of his term (*Shita Mekubbetzet*). Many early commentaries point out that this does not mean that thirty days are always negated, as this full period is required only if he was shaved on the last day of his term. Rather, he negates as many days as necessary for him to have thirty days' hair growth (Rabbeinu Peretz; see Rosh). For example, if he vowed to be a nazirite for sixty days and he was shaved after thirty, he does not lose anything, as his hair will grow enough in the remaining thirty days.

If he pulled out [*sifsef*] any amount – סִיפֵּסַף כָּל שֶׁהוּא: Most commentaries explain that this means pulling out even a single hair by its roots. Others maintain that this means that he removed the tips of his hair, as the term *sifsef* is derived from *sof*, meaning end (Commentary on *Nazir*; *Arukh*; Rabbi Avraham min HaHar). This interpretation emphasizes that he is liable if he deliberately removes any hair, even if he does not entirely uproot it.

Enough to bend its end, etc. – כְּדֵי לָכוֹף רֹאשׁוֹ וכו': The Gemara clarifies that the growth time to yield enough to bend the end of a hair to its root is seven days. This is substantial and significant hair growth, as explained on the next *amud*.

He has removed the naziriteship – נְזִירוּת הָא שַׁקְלֵיהּ: In that case, he must grow his hair for thirty days. The early commentaries question this statement in light of the Gemara's ruling later that he loses thirty days only if he shaves most of his hair in a manner similar to shaving with a razor. One answer is that this refers to a nazirite who shaved his entire head, not only most of it, in which case he negates thirty days of his term, even if he did not shave in a manner similar to shaving with a razor (Rabbeinu Peretz).

LANGUAGE

Seeds [*purtzanin*] – פּוּרְצָנִין: Ancient Aramaic for a pit of a fruit, the seed of a plant.

Peels [*itzurin*] – עִיצּוּרִין: Aramaic for grape skins, the part that remains after the squeezing, *atzira*, of the grapes.

Bandits [*listim*] – לִסְטִים: From the Greek λῃστής, *lēstēs*, meaning robber or bandit. *Listim* is a shortened form of *listesim*.

Pulled out [*sifsef*] – סִיפֵּסַף: A doubled root construction from *sof*, meaning end. According to some commentaries, the nazirite removed the hair from its root. According to those who claim that this means he cut the hair somewhat, it might be derived from *safaf*, meaning burned or singed in Aramaic. This hairstyle was practiced in earlier times.

HALAKHA

A naziriteship of unspecified length – סְתָם נְזִירוּת: If one vowed to observe a term of naziriteship without mentioning a time period, or if one specified a period of less than thirty days, he is a nazirite for thirty days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:1).

If he shaved or if he was shaved by bandits – גִּילַּח אוֹ שֶׁגִּילְּחוּהוּ לִסְטִים: If a nazirite shaved most of his hair, or if he was shaved by others against his will, he negates thirty days of his term to allow for his hair to grow again and afterward starts counting the remainder of his term. For example, if one vowed to observe naziriteship for one hundred days, and shaved off most of his hair after twenty days, he waits thirty days for his hair to grow, at which point he counts the remaining eighty days of his naziriteship (Rambam). However, most early commentaries hold differently, that in this case he does not lose any of the days he counted, as he had at least thirty days left. He loses days only if he had fewer than thirty days of naziriteship left. Either way, he must observe all the *halakhot* of naziriteship during any extra days, including the prohibitions of wine and ritual impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:1–2).

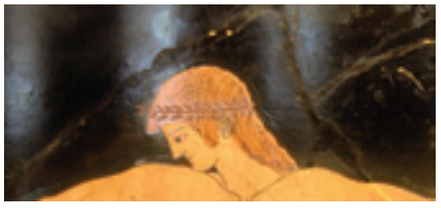
A nazirite who shaved, etc. – נָזִיר שֶׁגִּילַּח וכו': A nazirite who removes even a single hair is flogged. This applies only if he cuts it so short that not enough remains for the end of the hair to bend back and touch its root. It does not matter whether he removed the hair with a razor, with scissors, or with his hand (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11).

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LANGUAGE

Louse [*inba*] – אִינְבָּא: Apparently from the Semitic root *nabu*, meaning lice or fleas, a root that is also used in Aramaic and Assyrian, or from the Syriac *nava*, meaning lice or lice eggs. This word can also refer to lice eggs.

Long hair [*belorit*] – בְּלוֹרִית: Many explanations have been suggested for the source of this term, mostly from Latin or Greek, yet none is entirely convincing. This hairstyle involved letting the hair on the sides and back of the head grow while tying and braiding them in different ways. The hair was later shaved in an idolatrous ritual.



Greek drawing of a man with long hair

NOTES

As the wool becomes loose underneath, and it was taught – דְּרָפֵי עַמְרָא מִלְּתַחַת, וְתַנְיָא: The wool that has been dyed hardens, while the wool underneath it is noticeably looser. Additionally, the dyed part remains at the end, rather than close to the sheep's body.

תָּא שְׁמַע מֵהָא אִינְבָּא חַיָּה דְּקָאֵים בְּעִיקְּבָא דְּבִינְתָא, וְאִי סָלְקָא דַּעְתָּךְ מִלְּתַחַת רָבֵי – בְּרֵישָׁא דְּבִינְתָא בָּעֵי לְמֵיקַם! לְעוֹלָם מִלְּתַחַת רָבֵי, וְאַגַּב חִיּוּתָא נָחֵית וְאָזֵיל אִינְבָּא.

The Gemara suggests: **Come** and **hear** a solution to this dilemma **from** an examination of **this live louse** [***inba***],[L] **which is** always **found in the root of the hair. And if it should enter your mind** that hair **grows from the bottom,** the louse **should be situated on the end of the hair,** as it would be pushed up with the hair's growth. The Gemara rejects this suggestion: **Actually,** one could say that hair **grows from the bottom, and because it is alive the louse continuously descends,** as it is always crawling toward the scalp from where it draws its nourishment.

תָּא שְׁמַע: אִינְבָּא מֵתָה בְּרֵישָׁא דְּבִינְתָא, וְאִי סָלְקָא דַּעְתָּךְ מִלְּעֵיל רָבֵי – בְּעִיקְּבָא דְּבִינְתָא בָּעֵי לְמֵיקַם! הָתָם נַמִי, מִשּׁוּם דְּלֵית בַּהּ חֵילָא – שָׁרוּגֵי שָׁרְיָא וְאָזֵיל.

The Gemara suggests another proof: **Come** and **hear** from the fact that **a dead louse is** invariably **found on the end of the hair. And if it should enter your mind** that hair **grows from on top,** it **should be situated on the root of the hair.** The Gemara rejects this: **There too,** one could say that **because it has no strength it is caught** where it was when it died **and goes** up with the growing hair.

תָּא שְׁמַע מִבְּלוֹרִית דְּכוּשָׁאֵי, דְּבָתַר דְּמָגַדְּלִין לָהּ רַפְיָא מִלְּתַחַת. הָתָם נַמִי, אַיְידֵי דְּקָמְטָא הִיא מֵשִׁיכְבָא דְּרַפְיָא.

The Gemara proposes a different proof: **Come** and **hear from** an examination of **the long hair** [***belorit***][L] **of gentiles,** which is grown for idolatrous purposes, by braiding the ends of the hair. **As, after they braid it, it becomes loose underneath,** which suggests that hair grows from below. The Gemara rejects this: **There too, since it crumples from** the effect of the person who **lies** upon it, **it becomes loose** underneath.

תָּא שְׁמַע מִפִּקְרְתָא, דְּרָפֵי עַמְרָא מִלְּתַחַת, וְתַנְיָא. וְתוּ, כַּד צָבְעֵי סָבַיָּא דִּיקְנָהוֹן חִוְורָן

The Gemara offers an additional suggestion: **Come** and **hear** from **the dye** used on sheep, **as the** dyed **wool becomes loose underneath.** This shows that hair grows from the bottom. The Gemara adds: **And** this case of dyeing sheep is not merely anecdotal, as it **was taught**[N] with regard to the *halakhot* of animal tithe. **And furthermore, when old men dye their beards,** we see that the beards **turn white**

Perek **VI**
Daf **39** Amud **b**

עִיקְּבֵי נִימְהוֹן, שְׁמַע מִינָּהּ מִלְּתַחַת רָבֵי, שְׁמַע מִינָּהּ.

at **the roots of their hair.** You can **learn from it that** hair **grows from the bottom,** as the new hair is not dyed. The Gemara concludes: Indeed, **learn from it** that it is so.

וְאֶלָּא הָא דְּתַנְיָא: נָזִיר שֶׁגִּילְּחוּהוּ לִסְטִים וְשִׁיְּירוּ בּוֹ כְּדֵי לָכוֹף רֹאשׁוֹ לְעִיקָּרוֹ – אֵינוֹ סוֹתֵר. וְאִי סָלְקָא דַּעְתָּךְ מִלְּתַחַת רָבֵי, לִיסְתּוֹר! כְּגוֹן שֶׁגִּילְּחוּהוּ אַחַר מְלֹאת, וּמַנִּי – רַבִּי אֱלִיעֶזֶר הִיא, דְּאָמַר: כָּל אַחַר מְלֹאת – שְׁבָעָה סוֹתֵר.

The Gemara asks: **But** what about **this** *halakha* **that is taught** in a *baraita*: With regard to **a nazirite who was shaved by bandits, and they left him** with **enough** hair **to bend**[H] **its end to its root,** this **does not negate** the days of his naziriteship. **And if it should enter your mind** that hair **grows from the bottom, let** it **negate** the days of his naziriteship in that case as well, as the remaining hair grew only after his acceptance of naziriteship. The Gemara answers: This is referring to a case **where they shaved him after the completion** of his naziriteship but before he sacrificed his offerings, **and whose** opinion is expressed in this *baraita*? **It is** the opinion of **Rabbi Eliezer, who says:** With regard to **any** nazirite who became ritually impure **after the completion** of his term, this **negates** only **seven** days.

HALAKHA

They left him enough to bend, etc. – שִׁיְּירוּ בּוֹ כְּדֵי לָכוֹף וכו': A nazirite who shaved his hair is liable to receive lashes only if he shaves in a manner similar to shaving with a razor, by uprooting the hair. If he left enough hair to bend the end to the root he is not flogged, as that is not the manner of shaving with a razor. With regard to negating his naziriteship, most of his hair must be shaved by himself or others for this penalty to go into effect. The Meiri notes that although the Gemara establishes the *baraita* in accordance with the opinion of Rabbi Eliezer, and the *halakha* follows the opinion of the Rabbis, this determination is meant as a rejection of the ruling of the *baraita*, as explained later. It makes no difference whether or not the hair he cut was the hair he had at the time of the vow (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11 and *Leḥem Mishna* there).

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מַאי טַעְמָא דְּרַבִּי אֱלִיעֶזֶר – יָלִיף תִּגְלַחַת טָהֳרָה מִתִּגְלַחַת טוּמְאָה, מַה תִּגְלַחַת טוּמְאָה שִׁבְעָה – אַף תִּגְלַחַת טָהֳרָה שִׁבְעָה.

The Gemara asks: **What is the reason of Rabbi Eliezer?** The Gemara answers: He **derives** the *halakha* of **the shaving of ritual purity** at the end of his term of naziriteship (see Numbers 6:18) **from the shaving of impurity** (see Numbers 6:9):[N] **Just as** with the **shaving of impurity,** if he became impure on the day of the completion of his term he must wait **seven** days, at which point he is purified from the impurity imparted by a corpse and shaves his hair, **so too** with the **shaving of purity;** if he was shaved before he brought his offerings, he negates only **seven** days.

וְקִים לְהוּ לְרַבָּנַן: כָּל שִׁבְעָה יוֹמִין אָתְיָא מַזָּיָא כְּדֵי לָכוֹף רֹאשׁוֹ לְעִיקָּרוֹ.

And the Sages, including Rabbi Eliezer, **have an** accepted **tradition** that **every seven days hair grows enough to bend its end to its root.** Consequently, if this amount of hair remained after he was shaved on the day of the completion of his naziriteship, he does not forfeit any days and need not wait any longer.

״נָזִיר שָׁגִילַּח בֵּין בְּתַעַר בֵּין בְּזוֹג אוֹ שֶׁסִּיפְּסֵף כָּל שֶׁהוּא חַיָּיב״. תָּנוּ רַבָּנַן: ״תַּעַר״, אֵין לִי אֶלָּא תַּעַר, תַּלָּשׁ מֵירֵט סִיפְּסֵף כָּל שֶׁהוּא מִנַּיִן – תַּלְמוּד לוֹמַר ״קָדוֹשׁ יִהְיֶה גַּדֵּל פֶּרַע שְׂעַר רֹאשׁוֹ״, דִּבְרֵי רַבִּי יֹאשִׁיָּה.

§ The mishna taught: With regard to **a nazirite who shaved** his hair, **whether** he did so **with scissors or with a razor, or** if he **pulled out any amount,** he is **liable. The Sages taught:** The Torah states with regard to a nazirite: "**A razor** shall not come upon his head" (Numbers 6:5). **I have** derived **only a razor; from where** do I derive that he is liable if he **tore out, uprooted,**[H] or **pulled out any amount**[N] **of** his hair? **The verse states: "He shall be holy,**[N] **he shall let the locks of the hair of his head grow long"** (Numbers 6:5). This is **the statement of Rabbi Yoshiya.**

רַבִּי יוֹנָתָן אוֹמֵר: ״תַּעַר״, אֵין לִי אֶלָּא תַּעַר, מֵירֵט תַּלָּשׁ סִיפְּסֵף כָּל שֶׁהוּא – פָּטוּר. וְהָכְתִיב ״קָדוֹשׁ יִהְיֶה״! מֵימָרָא דְּאִם גִּילַּח לֵיהּ בְּתַעַר קָאֵים עֲלֵיהּ בַּעֲשֵׂה וְלֹא תַּעֲשֶׂה.

Rabbi Yonatan says a different interpretation: From **"razor" I have** derived **only a razor,** whereas if he **tore out, uprooted,** or **pulled out any amount** of his hair, **he is exempt.** The Gemara asks: **But isn't it written: "He shall be holy"?** The Gemara answers: **That is to say that if he shaved** his hair **with a razor he stands** liable **for** violating both **a positive mitzva and a prohibition.**[N] By shaving with a razor he also transgresses the positive mitzva of: "He shall be holy, he shall let the locks of the hair of his head grow long" (Numbers 6:5).

תַּנְיָא אִידָךְ: ״תַּעַר״, אֵין לִי אֶלָּא תַּעַר, תַּלָּשׁ מֵירֵט סִיפְּסֵף כָּל שֶׁהוּא מִנַּיִן – תַּלְמוּד לוֹמַר ״לֹא יַעֲבוֹר עַל רֹאשׁוֹ״. וּמֵאַחַר שֶׁסּוֹפֵינוּ לְרַבּוֹת כָּל דָּבָר, מַה תַּלְמוּד לוֹמַר ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ״?

It is taught in **another** *baraita*: From **"razor" I have** derived **only a razor; from where** do I derive that he is also liable if he **tore out, uprooted,** or **pulled out any amount of** it? **The verse states:** "A razor **shall not come upon his head"** (Numbers 6:5), indicating that he may not remove his hair in any manner. The *baraita* asks: **And since we eventually include everything** that removes hair, **what** is the meaning when **the verse states: "A razor shall not come upon his head"?** Why does the verse mention a razor, when other implements are equally forbidden?

לְפִי שֶׁלֹּא לָמַדְנוּ לַתִּגְלַחַת הָאַחֲרוֹנָה שֶׁיִּהְיֶה בְּתַעַר; לְלָמְדוֹ מִמְּצוֹרָע אִי אָפְשָׁר,

The *baraita* answers: It is **because we have not learned that the last shaving,** i.e., the nazirite's shaving of ritual purity, **must be** performed specifically **with a razor,** as the verse merely states: "He shall shave his head" (Numbers 6:18), without specifying an implement. **It is impossible to learn** this requirement **from** the *halakha* that **a leper** must use a razor (see Leviticus 14:9),

HALAKHA

Tore out, uprooted, etc. – תָּלַשׁ מֵירֵט וכו׳: If a nazirite tore out his hair from its roots in any manner, he is flogged. The *halakha* is in accordance with the opinion of Rabbi Yoshiya, as indicated by the Gemara (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11 and *Kesef Mishne* there).

NOTES

He derives the shaving of ritual purity from the shaving of impurity – יָלִיף תִּגְלַחַת טָהֳרָה מִתִּגְלַחַת טוּמְאָה: This refers to ritual impurity after the completion of his term of naziriteship. Since he has concluded his naziriteship at this stage, according to the opinion of Rabbi Eliezer, and he had hair at the decisive point in time, he need not wait by Torah law. However, the Sages decreed that he must wait another seven days, like a regular shaving of impurity, despite the fact that the two cases are not exactly the same (*Tosafot*). Some commentaries simply say that one derives from the *halakha* of regular shaving of ritual impurity that seven days is the time needed for basic hair growth, enough to bend the end of a hair to its root (Rabbeinu Peretz). Others explain that according to the opinion of Rabbi Eliezer a nazirite who became ritually impure on the very day of the completion of his term must add another seven days after he has been purified and shaved. In this case the *halakha* of the shaving of impurity is exactly the same as the shaving of purity (*Keren Ora*).

Tore out, uprooted, pulled out any amount – תָּלַשׁ, מֵירֵט, סִיפְּסֵף: The commentaries dispute the precise meaning of these terms. Some explain that: Tore out, means that he cut the hair near its root but did not uproot it entirely, whereas: Uprooted, means that he yanked it out from its roots. As for: Pulled out, this refers to the removal of the upper ends of the hair alone (Commentary on *Nazir*). Others assert that: Tore out, means that he tore out one whole hair manually, while: Uprooted, indicates the use of a medicament for the same purpose, and: Pulled out, means that he removed some of the hair from his head while leaving other hairs (*Arukh*). Alternatively, the term: Pulled out, refers to the removal of hair by rubbing (Rosh).

The verse states, he shall be holy – תַּלְמוּד לוֹמַר קָדוֹשׁ יִהְיֶה: This verse indicates that a nazirite who removes the hair of his head, even without the use of a razor, violates a positive mitzva, as the Torah commanded a nazirite to grow the locks of his head (*Tosafot*).

He stands liable for violating a positive mitzva and a prohibition – קָאֵים עֲלֵיהּ בַּעֲשֵׂה וְלֹא תַּעֲשֶׂה: According to this opinion, "he shall let the locks of the hair of his head grow long" is not a separate mitzva, but a positive mitzva that complements the prohibition of "a razor shall not come upon his head." Only a nazirite who uses a razor violates both the positive mitzva and the prohibition. This is a prohibition that stems from a positive mitzva, i.e., a mitzva formulated as a positive command but which is fulfilled by abstaining from action. A prohibition of this kind is classified as a positive mitzva, for which one is not liable to receive lashes (Commentary on *Nazir*).

The early commentaries note that the mishna, which rules that a nazirite who cuts his hair with scissors or pulls it out is liable to receive lashes, represents a third opinion that differs from the opinions of both of these *tanna'im*. According to the opinion of Rabbi Yoshiya, one is not flogged in these cases, although he does violate a positive mitzva, whereas Rabbi Yonatan maintains that he does not transgress even a positive mitzva. Others say that all the *tanna'im* agree that a nazirite who removes all his hair in any manner is liable, and these commentaries explain the mishna accordingly. The dispute is whether or not one who leaves some of his hair has violated the prohibition (*Tosafot*). According to this opinion, the *tanna'im* do not disagree either with the mishna or with the following *baraita* (Rabbeinu Peretz, citing Ri).

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HALAKHA

With regard to flogging, for one hair – לְלָקוֹת בְּאַחַת: A nazirite who shaved a single hair off his head during his term of naziriteship is liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11).

With regard to invalidation, to remove two hairs – לְעַכֵּב בִּשְׁתַּיִם: A nazirite who shaved his head but left two hairs on his head has not fulfilled the obligation of shaving, and it is as though he has not done anything. This *halakha* applies to the shaving of both a ritually pure nazirite, who shaves at the end of his term of naziriteship, and an impure one, who shaves during his term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:6).

Negates it only if he shaved most of his head – אֵינוֹ סוֹתֵר אֶלָּא בְּרוֹב רֹאשׁוֹ: If a nazirite shaved his head, but left most of the hair of his head intact, this does not negate his naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:1).

שֶׁאֵין דָּנִין קַל מֵחָמוּר לְהַחְמִיר עָלָיו.

as one does not derive a *halakha* in **a lenient** case **from** the *halakha* in a more **stringent** one in a manner that would cause one **to be stringent** in the more lenient case. Since the case of a leper is more stringent than that of a nazirite, as a leper must shave his entire body, one cannot derive from the *halakhot* of a leper that a stringent *halakha* applies to a nazirite. It is therefore necessary for the verse to specify that a nazirite's final shaving must be performed with a razor.

רַבִּי אוֹמֵר: אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ עַד מְלֹאת״. הַתּוֹרָה אָמְרָה: אַחַר מְלֹאת לֹא תְּהֵא תִּגְלַחַת אֶלָּא בְּתַעַר.

Rabbi Yehuda HaNasi **says** that the term "razor" itself **is not necessary** to teach that a nazirite's final shaving must be performed with a razor, **as** the verse **states: "A razor shall not come upon his head until the completion** of the days that he vowed naziriteship to God" (Numbers 6:5). This full sentence indicates that **the Torah said: After the completion** of his term **the shaving must be** performed **only with a razor.**

וְהָכְתִיב ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ״!

The Gemara comments: Rabbi Yehuda HaNasi claims that the term "razor" indicates that shaving, in this case that of a nazirite after the completion of his term, may be performed only with a razor. If so, the verse should be understood in the same manner with regard to the prohibition of shaving. **But** if one examines the first part of the verse by itself, **isn't it written: "A razor**[N] **shall not come upon his head"** (Numbers 6:5), and the first *tanna*, whose opinion Rabbi Yehuda HaNasi does not dispute, derives from this verse that he is prohibited from shaving by other means as well, notwithstanding the explicit mention of a razor.

לַעֲבוֹר עָלָיו בִּשְׁנֵי לָאוִין.

The Gemara explains that the phrase "shall not come upon his head" teaches that a nazirite may not remove his hair in any manner. As for the mention of razor in this context, it serves to teach **that he will violate two prohibitions for this** action of using a razor, one for removing his hair and one for doing so with a razor.

אָמַר רַב חִסְדָּא: לְלָקוֹת – בְּאַחַת, לְעַכֵּב – בִּשְׁתַּיִם, לְסוֹתְרוֹ – אֵינוֹ סוֹתֵר אֶלָּא בְּרוֹב רֹאשׁוֹ, וּבְתַעַר.

§ Concerning a nazirite who shaves his hair, **Rav Ḥisda says:** With regard **to flogging,** a nazirite who shaved his hair is flogged **for** shaving even **one** hair;[H] with regard **to invalidation,** i.e., the ritual shaving of his hair at the end of his naziriteship, the shaving is **invalidated** if he failed **to** remove **two** hairs;[H] and as **for negating** his naziriteship, shaving during his term **negates** it **only if** he shaved **most of his head.**[H] **And** this applies only if he removed his hair **with a razor.**[N]

NOTES

But isn't it written "a razor," etc. – וְהָכְתִיב תַּעַר וכו': The commentaries debate the meaning of this difficulty. Some explain that the question refers to the opinion of the first *tanna*: How can he claim that the term "razor" refers only to the mitzva of shaving, when the verse is explicitly dealing with the prohibition against shaving (Commentary on *Nazir*, first explanation). Others assert that this difficulty applies to the opinion of Rabbi Yehuda HaNasi as well: How can the basic meaning of the verse be ignored, when it apparently prohibits a nazirite from shaving with a razor during his term (Rabbi Avraham min HaHar, citing Commentary on *Nazir*)?

One possibility is that the Gemara is suggesting an alternative explanation: Perhaps the two types of shaving are not the same, as a nazirite is liable before the completion of his term only if he shaved with a razor, but after its completion he can cut his hair with any implement (Commentary on *Nazir*, second explanation). Yet others explain: Since Rabbi Yehuda HaNasi does not require the term "razor" for the mitzva of shaving, the verse must be teaching that a nazirite is liable during his term only if he uses a razor. This however, is not possible, as Rabbi Yehuda HaNasi does not dispute the ruling of the first *tanna* that the phrase "shall not come upon" teaches that he is liable for any implement that removes hair (*Tosafot*). Alternatively, the difficulty against the opinion of Rabbi Yehuda HaNasi is as follows: If the *halakhot* of the shaving of purity are derived from this verse, why is the term "razor" not stated in that context? The verse should have simply stated: He shall not have a razor come upon his head until the completion, which would have clarified the meaning (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

Most of his head, and with a razor – בְּרוֹב רֹאשׁוֹ וּבְתַעַר: Some commentaries maintain that the phrase: And with a razor, refers exclusively to the first *halakha*, i.e., he is flogged only if he used a razor. As for negating his naziriteship, the nazirite negates thirty days even if he cut his hair with other implements, provided that not enough hair remains to bend the end to the root (*Tosafot*; see 39b). Others claim that the phrase: And with a razor, refers to all the *halakhot* (Rosh). This dispute depends, among other factors, on the precise text of the *baraita* cited below. Some commentaries read, based on the *Tosefta* (4:3): He is liable if he uprooted or pulled out any amount, from which it may be inferred that the phrase: And with a razor, does not refer to all the earlier *halakhot* but only to negating days of his naziriteship.

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בְּתַעַר – אִין, בִּמְיֵדִי אַחֲרִינָא – לָא? וְהָקָתָנֵי: מִנַּיִן לְרַבּוֹת אֶת כָּל הַמַּעֲבִירִין! אֶלָּא אֵימָא: כְּעֵין תַּעַר.

The Gemara asks: This indicates that according to the opinion of Rav Ḥisda, a nazirite who shaved **with a razor, yes,** he negates thirty days, whereas if he did so **with anything else, no,** he does not negate days. **But isn't it taught: From where** is it derived **to include all** implements **that remove** hair, i.e., that a nazirite is liable if he uses any of them? The verse states: "Shall not come upon his head," meaning in any manner. This indicates that a nazirite must add days to his term of naziriteship even if he shaved with an implement other than a razor. **Rather, say** that Rav Ḥisda meant: **In the manner of a razor.**[H] That is, the nazirite negates his naziriteship only if he removes his hair as one does with a razor, without leaving any part of it.

תַּנְיָא נָמִי הָכִי: נָזִיר שֶׁתָּלַשׁ, מֵירַט, סִיפֵּסַף כָּל שֶׁהוּא – אֵינוֹ סוֹתֵר אֶלָּא בְּרוֹב רֹאשׁוֹ, וּבְתַעַר. רַבִּי שִׁמְעוֹן בֶּן יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי שִׁמְעוֹן: כְּשֵׁם שֶׁשְּׁתֵּי שְׂעָרוֹת מְעַכְּבוֹת בּוֹ – כָּךְ שְׁתֵּי שְׂעָרוֹת סוֹתְרוֹת בּוֹ.

This opinion **is also taught** in a *baraita* (*Tosefta* 4:3): With regard to **a nazirite who tore out, uprooted,** or **pulled out any amount** of hair, this **negates** days of his naziriteship **only if** he shaved **most of his head, and** only if he did so **in** the manner of **a razor. Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: Just as** leaving **two hairs invalidates his** shaving of ritual purity at the end of his term, and the act is considered incomplete, **so too,** leaving a mere **two hairs negates** days of **his** naziriteship, if he shaved during his term.

§ תְּנַן הָתָם: שְׁלֹשָׁה מְגַלְּחִין וְתִגְלַחְתָּן מִצְוָה: נָזִיר, וּמְצוֹרָע, וּלְוִיִּם. וְכוּלָּן שֶׁגִּילְּחוּ שֶׁלֹּא בְּתַעַר, אוֹ שֶׁשִּׁיְּירוּ שְׁתֵּי שְׂעָרוֹת – לֹא עָשׂוּ וְלֹא כְלוּם.

§ **We learned** in a mishna **there** (*Nega'im* 14:4): **Three** types of people must **shave**[H] their hair, **and their shaving** is **a mitzva: A nazirite; and a leper,** as it is stated: "And he who is to be cleansed shall wash his clothes, and shave off all his hair" (Leviticus 14:8–9). **And** the third category is **Levites,** when they were first sanctified for their service, as it is stated: "And this you shall do to them to cleanse them: Sprinkle the water of purification upon them, and let them cause a razor to pass over all their flesh" (Numbers 8:7). **And** with regard to **all of them, if they shaved with** an implement **other than a razor,**[H] **or if they left two hairs** uncut, **they have done nothing,** i.e., they have not fulfilled their obligation.

אָמַר מָר: שְׁלֹשָׁה מְגַלְּחִין וְתִגְלַחְתָּן מִצְוָה. פְּשִׁיטָא! מַהוּ דְּתֵימָא: מִשּׁוּם עֲבוֹדֵי שֵׂעָר הוּא, וַאֲפִילּוּ סָךְ נָשָׂא – קָא מַשְׁמַע לָן דְּלָא.

The Gemara analyzes this mishna. **The Master said** there: **Three** types of people must **shave** and cut their hair, **and their shaving** is **a mitzva.** The Gemara asks: This **is obvious;** after all, doesn't the Torah command all three to shave? The Gemara answers: The statement of the mishna is necessary, **lest you say** that the mitzva **is due to** and aimed at the **removal of hair, and** therefore **even one who applied a depilatory** [*nasha*][B] to remove his hair has fulfilled his obligation. The mishna therefore **teaches us that** this is **not** so, as the mitzva must be performed by shaving.

קָתָנֵי: וְכוּלָּן שֶׁגִּילְּחוּ שֶׁלֹּא בְּתַעַר. בְּשִׁלָּמָא גַּבֵּי נָזִיר כְּתִיב ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ״, וְגַבֵּי לְוִיִּם כְּתִיב ״וְהֶעֱבִירוּ תַעַר עַל כָּל בְּשָׂרָם״, אֶלָּא מְצוֹרָע בְּתַעַר מְנָלַן?

The mishna further **teaches: And** with regard to **all of them, if they shaved with** an implement **other than a razor,** they have done nothing. The Gemara asks: **Granted, with regard to a nazirite** the source of this *halakha* is clear, as **it is written: "A razor shall not come upon his head"** (Numbers 6:5), which indicates that when he does shave he must do so with a razor. **And** similarly, **with regard to** the **Levites it is written: "And let them cause a razor to pass over all their flesh"** (Numbers 8:7). **However, from where do we** derive that **a leper** must be shaved **with a razor** for his ritual purification?

וְכִי תֵּימָא: תֵּיתֵי מִלְוִיִּם; מָה לְוִיִּם שֶׁכֵּן טְעוּנִין תְּגִלַּחַת וְאֵין תִּגְלַחְתָּן אֶלָּא בְּתַעַר, אַף אֲנִי אָבִיא אֶת הַמְצוֹרָע, שֶׁהוּא טָעוּן תְּגִלַּחַת וְאֵין תִּגְלַחְתּוֹ אֶלָּא בְּתַעַר – אִיכָּא לְמֵימְרָךְ: מָה לַלְוִיִּם, שֶׁכֵּן טְעוּנִין תְּנוּפָה בְּגוּפָם, תֹּאמַר בַּמְצוֹרָע דְּלָא!

And if you would say that this *halakha* **is derived from** the case of the **Levites,** as, **just as Levites require shaving and their shaving is only with a razor, so too, I will bring** the case of **a leper, who requires shaving and** say that **his shaving** can likewise be performed **only with a razor,** then this comparison **can be refuted. What** is unique **about Levites** is **that** they have an extra stringency, in that **they require waving of their bodies,** i.e., Aaron was required to pick up and wave the bodies of the Levites as part of the ritual of their sanctification (see Numbers 8:11). Will **you say** the same **with regard to a leper, who** does **not** require waving?

HALAKHA

In the manner of a razor – כְּעֵין תַּעַר: A nazirite who shaved a single hair is liable even if he cut the hair with scissors or pulled it out. This is the case if he cuts the hair to its root, producing the same result as a razor. If he left enough to bend his hair from the end to the root he is exempt, as this is not the manner of shaving with a razor. However, some commentaries claim that the phrase: In the manner of a razor, means that the hair is entirely uprooted (*Tosafot*). Likewise, if a nazirite shaved most of his hair with a razor or in the manner of a razor, he negates thirty days of his naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11, 6:1).

Three people shave – שְׁלֹשָׁה מְגַלְּחִין: Although the shaving of a nazirite is not indispensable for his ritual purification, nevertheless it is a mitzva for him to shave, even if he does so much later. Likewise, the shaving of a leper upon his ritual purification is a positive mitzva (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:6; *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:1; and *Sefer HaMitzvot*, positive mitzva 111).

And with regard to all of them, if they shaved with an implement other than a razor, etc. – וְכוּלָּן שֶׁגִּילְּחוּ שֶׁלֹּא בְּתַעַר וכו׳: A nazirite who shaved with any implement other than a razor or who left two hairs uncut has not fulfilled his obligation, whether he was shaving for his ritual purity or after his impurity. The same applies to the two shavings of a leper; they are invalid if he did not use a razor or if he left two hairs (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:6 and *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 5:3).

BACKGROUND

Depilatory [*nasha*] – נָשָׂא: Some linguists accept the version of this term that appears in the mishna (*Nega'im* 10:10): *Nasham*, and suggest that it is the name of a medicine. Nowadays, various medicinal preparations are used for the removal of bodily hair. These cause a chemical reaction that breaks down the hair so it falls off when rubbed even lightly. Different kinds of sulfur salts were used for this purpose. This depilatory possibly contained a similar material, perhaps mixed with lime. A depilatory removes hair for a certain amount of time; some were strong enough to prevent hair from ever growing back.

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NOTES

And the derivation has reverted – וְחָזַר הַדִּין: This is the standard method of deriving a *halakha* from two cases. When the proof from one case is rejected because it includes a unique aspect, the second case proves that this stringency is not necessary for the *halakha* in question to apply. If the proof from the second source is subsequently rejected because it too contains a special aspect, the Gemara returns to the first case. Ultimately, the *halakha* is derived from the common denominator in both cases, without taking into account the unique stringencies of each.

אֶלָּא, תֵּיתֵי מִנָּזִיר. מַה לְּנָזִיר שֶׁכֵּן קָרְבָּנוֹ טָעוּן לֶחֶם, תֹּאמַר בַּמְצוֹרָע דְּלָא! אֶלָּא, מֵחֲדָא לָא אָתְיָא, תֵּיתֵי מִתַּרְוֵיהוֹן.

Rather, the *halakha* that a leper must use a razor is **derived from** the case of **a nazirite,** who does not require waving either. However, this comparison can also be refuted: **What** is unique **about the nazirite** is **that his offering requires bread. Will you say** the same **with regard to a leper,** who does **not** require bread as part of his purification process? **Rather,** clearly the *halakha* of a leper is **not derived** from either **one** of the above cases, that of the Levites or the nazirite. Therefore, **let it be derived from the two of them.**

מֵהֵי תֵּיתֵי? תֵּיתֵי מִלְּוִיִּם – מַה לַּלְוִיִּם שֶׁכֵּן טְעוּנִין תְּנוּפָה בְּגוּפָן, נָזִיר יוֹכִיחַ. מַה לְּנָזִיר שֶׁכֵּן קָרְבָּנוֹ טָעוּן לֶחֶם – לְוִיִּם יוֹכִיחוּ.

The Gemara elaborates: As stated previously, **from which** single case **can it be derived?** If you say it **can be derived from** the **Levites, what** is unique **about Levites** is **that they require waving of their bodies.** This suggestion can be countered by saying that the case of **a nazirite proves** that this stringency is not the decisive factor leading to the requirement of a razor, as a nazirite is not waved and yet he must be shaved with a razor. And if you respond: **What** is unique **about the nazirite** is **that his offering requires bread,** one can similarly argue that the **Levites prove** that this stringency does not lead to the *halakha* of shaving with a razor, as the offering of the Levites does not require bread and nevertheless they must be shaved with a razor.

וְחָזַר הַדִּין; לֹא רְאִי זֶה כִּרְאִי זֶה, וְלֹא רְאִי זֶה כִּרְאִי זֶה, הַצַּד הַשָּׁוֶה שֶׁבָּהֶם – שֶׁהֵן טְעוּנִין תִּגְלַחַת וְתִגְלַחְתָּן בְּתַעַר, אַף אֲנִי אָבִיא אֶת הַמְצוֹרָע שֶׁהוּא טָעוּן תִּגְלַחַת, וְתִגְלַחְתּוֹ בְּתַעַר.

And in this manner **the derivation has reverted**[N] to its starting point. However, at this stage the *halakha* is derived from a combination of the two sources: **The aspect of this** case **is not like the aspect of that** case, **and the aspect of that is not like the aspect of this;** each case has its own special features. **The common denominator is that they require shaving and their shaving is with a razor.** Therefore, **I will also bring** the case of **the leper, who requires shaving, and** say that **his shaving** must be **with a razor.**

אֲמַר לֵיהּ רָבָא מִבַּרְנֵישׁ לְרַב אַשִׁי: וְלִיפְרוֹךְ מַה לְּהַצַּד הַשָּׁוֶה שֶׁבָּהֶן – שֶׁכֵּן

Rava of Barnish said to Rav Ashi: And let us refute this derivation in the following manner: **What** is the common denominator between the Levites and the nazirite? **Their common denominator is that**

Perek **VI**
Daf **40** Amud **b**

אֵין קָרְבָּנוֹ בְּדַלּוּת, תֹּאמַר בַּמְצוֹרָע שֶׁקָּרְבָּנוֹ בְּדַלּוּת!

the **offering** in each case does not include a level **of poverty.** In both cases the offering is fixed, i.e., a poor person does not have the option of bringing a less expensive offering due to his financial straits. Will **you say** the same **with regard to the leper, whose offering** includes a level **of poverty,** as a poor person can bring turtledoves instead of sheep (Leviticus 14:21–22)? Since the Torah was more lenient in the case of a leper than the cases of a nazirite and the Levites, it could also be that the *halakha* is also lenient with regard to his shaving, by not demanding the use of a razor. Consequently, there is no proof that a leper is obligated to shave with a razor.

אֲמַר לֵיהּ רָבָא בַּר מְשַׁרְשִׁיָא לְרָבָא: הַאי תַּנָּא, מֵעִיקָּרָא אָמַר: לְלַמְּדוֹ מִמְּצוֹרָע אִי אֶפְשָׁר שֶׁאֵין דָּנִין קַל מֵחָמוּר לְהַחְמִיר עָלָיו, וַהֲדַר אֲמַר: נֵילַף מִדִּינָא, וּמִדִּינָא נַמִּי לָא יָלֵיף!

In continuation of this discussion, **Rava bar Mesharshiyya said to Rava: This *tanna* initially said,** with regard to the obligation of a nazirite to shave with a razor (39b): **It is impossible to learn** this requirement **from** the *halakha* that **a leper** must use a razor, **as one does not derive** a *halakha* in **a lenient** case **from** the *halakha* in a more **stringent** one in a manner that would cause one **to be stringent** in the more lenient case. This indicates that it is obvious to the *tanna* that a leper himself must shave with a razor. **And he then said: Let us derive** by means **of an inference** that a leper must use a razor, **and** ultimately **he did not derive** it **from an inference** by analogy **either,** due to Rava of Barnish's objection. What, then, is the source for the *halakha* that a leper must use a razor?

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אָמַר לֵיהּ: הַהוּא – אַלִּיבָּא דְּרַבָּנַן, הָא – אַלִּיבָּא דְּרַבִּי אֱלִיעֶזֶר. דִּתְנַן: וְאֵינוֹ חַיָּיב עַד שֶׁיְּלַקְּטֶנּוּ בְּתַעַר, רַבִּי אֱלִיעֶזֶר אוֹמֵר: אֲפִילּוּ לִיקְטוֹ בְּמַלְקֵט וּבְרְהִיטְנִי חַיָּיב.

Rava **said to** Rava bar Mesharshiyya: **That** *baraita*, which states that one cannot derive the *halakha* from the case of a leper, which indicates that it is evident that a leper must shave with a razor, is **in accordance with** the opinion of **the Rabbis.** They derive the *halakha* of a leper's shaving from the prohibition against destroying one's beard. Conversely, **this** source, which attempted to derive the shaving of a leper from that of a nazirite and the Levites, is **in accordance with** the opinion of **Rabbi Eliezer,** who does not derive the *halakha* of a leper's shaving from the prohibition against destroying one's beard. Rabbi Eliezer must therefore derive this *halakha* by analogy from the cases of a nazirite and the Levites. This is **as we learned** in a mishna (*Makkot* 20a): **And** one is **liable** for destroying his beard **only if he removes it with a razor.**[H] **Rabbi Eliezer says: Even** if **he removed it with** small **tweezers**[B] **or a plane** [***rehitni***][L] **he is liable.** Rabbi Eliezer maintains that one violates the prohibition even by destroying his beard with means other than a razor.

מַאי טַעֲמַייהוּ דְּרַבָּנַן? דִּתַנְיָא: ״וְזָקְנוֹ״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״. יָכוֹל אֲפִילּוּ מְצוֹרָע כֵּן, תַּלְמוּד לוֹמַר ״וְזָקְנוֹ״.

The Gemara asks: **What is the reason of the Rabbis;** how do they derive from this *halakha* that a leper must shave with a razor? **As it is taught** in a *baraita* that the verse states with regard to the shaving of a leper: "He shall shave all his hair off his head and his beard" (Leviticus 14:9). Since the verse states: "All his hair," **what** is the meaning when **the verse states: "His beard"? It** is **because it is stated** with regard to priests: **"Neither shall they shave off the corners of their beards"** (Leviticus 21:5). One **might** have thought that **the same** should **also** apply to **a leper,**[H] i.e. that a leper who was a priest should be prohibited from shaving his beard. For this reason **the verse states: "His beard,"** which emphasizes that despite the general prohibition barring a priest from shaving his beard, a priest who is a leper is obligated to do so.

וּמִנַּלַן דִּבְתַעַר – דְּתַנְיָא: ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״, יָכוֹל אֲפִילּוּ גִּילְּחוּ בְּמִסְפָּרַיִם יְהֵא חַיָּיב – תַּלְמוּד לוֹמַר ״וְלֹא תַשְׁחִית״.

And from where do we derive **that** this shaving of a leper must be performed **with a razor?** It is **as it is taught** in a *baraita*, with regard to the prohibition against a priest shaving his beard in the verse **"Neither shall they shave off the corners of their beards"** (Leviticus 21:5): One **might** have thought that a priest should **be liable even if he shaved** his beard **with scissors. The verse states,** in the general prohibition issued to all Jewish men: **"Neither shall you destroy** the corners of your beard" (Leviticus 19:27). This teaches that one is liable only if he shaves in a destructive manner, by uprooting the hairs entirely, which excludes the use of scissors.

יָכוֹל לִיקְטוֹ בְּמַלְקֵט וּבְרְהִיטְנִי יְהֵא חַיָּיב – תַּלְמוּד לוֹמַר ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״. הָא בֵּיצַד? אֵיזֶהוּ גִּילּוּחַ שֶׁיֵּשׁ בּוֹ הַשְׁחָתָה – הֱוֵי אוֹמֵר זֶה תַּעַר.

One **might** have thought that **even** if **he removed it with tweezers or planes he** should **be liable. The verse states: "Neither shall they shave off**[N] **the corners of their beards"** (Leviticus 21:5), which indicates that the priests are liable only for removing their beards in a manner of shaving. **How so? What is** the manner of **shaving that involves destruction?**[H] **You must say this is** shaving with **a razor.** The Rabbis learn from here that the implement forbidden to a priest is the same one that must be used for the shaving of a leper, namely a razor.

מִמַּאי? דִּילְמָא לְעוֹלָם אֲפִילּוּ לִיקְטוֹ בְּמַלְקֵט וּבְרְהִיטְנִי נַמִּי מִצְוָה קָעֲבִיד, וְהָא קָאָתֵי לְאַשְׁמוּעִינַן דַּאֲפִילּוּ בְּתַעַר לָא מִיחַיַּיב עֲלֵיהּ!

The Gemara asks: **From where** do we know that this is correct? **Perhaps** if a leper **actually removed it with tweezers or a plane he also performs the mitzva** and thereby fulfills his obligation, **and this** verse **is coming to teach us that even** if the leper shaved **with a razor he is not liable for** destroying his beard. In other words, one might have thought that a leper is prohibited from shaving with a razor, and the verse teaches that this is not correct. If so, there is no proof from here that the shaving of a leper must be performed with a razor.

HALAKHA

If he removed it with a razor – עַד שֶׁיְּלַקְּטֶנּוּ בְּתַעַר: It is prohibited to round off the corner of one's head, i.e., to shave the hair until the halakhic corners of the head are level with the forehead. Rather, one must leave the hair that links the head with the cheeks. One violates this prohibition only if he removes hair with a razor (Rambam). Some authorities say that scissors that cut like a razor are also forbidden (Rosh), and the custom is to be stringent in accordance with this opinion (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:6; *Shulḥan Arukh*, *Yoreh De'a* 181:3).

One might have thought that the same should also apply to a leper – יָכוֹל אֲפִילּוּ מְצוֹרָע כֵּן: A leper must shave all visible hair, including the corners of his head and beard (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:1).

Shaving that involves destruction – גִּילּוּחַ שֶׁיֵּשׁ בּוֹ הַשְׁחָתָה: It is prohibited by Torah law for a man to destroy his beard. One violates this prohibition only if he uses a razor, but not if he cuts with scissors (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 181:10, and in the comment of Rema).

BACKGROUND

Tweezers [*malket*] – מַלְקֵט: Rashi indicates that this is a small file used for various types of metal. Others (*Arukh*) state that it is a kind of tweezers used for plucking hair. The Aramaic translation of *melkahayim* (see Isaiah 6:6), tongs or tweezers, is *malket*.



Roman tweezers

LANGUAGE

Plane [*rehitni*] – בְּרְהִיטְנִי: Some suggest the source is the Greek ῥυκάνη, *rhukanē*, meaning plane. Others say it is from ῥίνη, *rhinē*, meaning file.



Hand plane

NOTES

The verse states, neither shall they shave off – תַּלְמוּד לוֹמַר...לֹא יְגַלֵּחוּ: Although it is possible to remove the hair of one's beard or head with tweezers or planes, this is not the manner of shaving, as these implements are generally used for purposes other than cutting hair. There is a difference between shaving, i.e., the removal of hair with scissors or a razor in the usual manner, and destruction, which is the removal of hair by its roots, an action performed in various ways, e.g., uprooting with tongs or with a plane. Only a razor combines the acts of both shaving and destroying.

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אָמְרִי: אִי סָלְקָא דַּעְתָּךְ כִּי עָבֵיד נַמִּי בְּמַלְקֵט וּבְרֵהִיטְנִי שַׂפִּיר דָּמֵי – לִישְׁתּוֹק קְרָא מִינַּיהּ, וַאֲנָא אָמִינָא: וּמַה גַּבֵּי נָזִיר, דְּאִיסּוּרָא קָא עָבֵיד – אֲפִילּוּ הָכִי מְחַיַּיב, הָכָא דְּמִצְוָה – לֹא כָּל שֶׁכֵּן?

They say in response: **If it should enter your mind that if** a leper **performs** his shaving **with tweezers or a plane too,** it is **well** and he has performed the mitzva, then **let the verse be silent** and refrain **from** the extra phrase, "his beard." **And** I would **say** the following: **And just as with regard to a nazirite, who performs a transgression** by shaving his hair during his naziriteship and who, **even so,** is **deemed liable** for removing hair without the use of a razor, **here** too, in the case of a leper, **where** his shaving is **a mitzva,** does it **not** follow **all the more so** that he should be permitted to shave with any implement?

Perek **VI**
Daf **41** Amud **a**

HALAKHA

A positive mitzva and a prohibition, etc. – עֲשֵׂה וְלֹא תַּעֲשֶׂה וכו׳: Whenever a positive mitzva and a prohibition conflict with one another, if they can both be fulfilled this is best. If not, the positive mitzva overrides the prohibition (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:6 and *Hilkhot Mila* 1:9; *Sefer Hafla'a*, *Hilkhot Nezirut* 7:15; *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 10:5; *Sefer Zera'im*, *Hilkhot Kilayim* 10:32; see *Sefer Nashim*, *Hilkhot Yibbum* 6:10 and *Hilkhot Na'ara Betula* 3:5; *Shulḥan Arukh*, *Yoreh De'a* 266:1).

The verse states: His head – תַּלְמוּד לוֹמַר רֹאשׁוֹ: If a nazirite contracted leprosy, from which he was purified during his term of naziriteship, he must shave off all his hair, as the positive mitzva for a leper to shave overrides the prohibition for a nazirite against shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:15).

NOTES

And Rabbi Eliezer, what is his reason – וְרַבִּי אֱלִיעֶזֶר מַאי טַעְמָא: In other words, in light of the earlier statement that according to the opinion of Rabbi Eliezer the mitzva of shaving a leper cannot be derived from that of a nazirite, from where does he derive that a leper must use a razor? Some explain that as Rabbi Eliezer renders one liable for removing his beard in any manner, the phrase "his beard" is necessary to permit all types of shaving by a leper, even with tweezers and a plane, as these too entail the violation of the prohibition against destroying one's beard. Therefore, the Gemara asks about the source of his derivation that a leper is obligated to use a razor (*Tosafot*).

וְתוּ, אִי סָלְקָא דַּעְתָּךְ כִּי עָבֵיד בְּמַלְקֵט וּבְרֵהִיטְנִי מִצְוָה קָא עָבֵיד, מִדְּלָא כְּתִיב תַּעַר – כְּרֵישׁ לָקִישׁ, דְּאָמַר:

And furthermore, if it should enter your mind that **when he performs** his shaving **with tweezers or a plane he performs a mitzva, from** the fact that the word **razor is not written** he should not be allowed to use a razor at all, **in accordance with** the opinion of **Reish Lakish, who says** a principle in this regard.

כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא עֲשֵׂה וְלֹא תַּעֲשֶׂה, אִם אַתָּה יָכוֹל לְקַיֵּים אֶת שְׁנֵיהֶם – מוּטָב, וְאִם לָאו – יָבֹא עֲשֵׂה וְיִדָּחֶה אֶת לֹא תַּעֲשֶׂה.

The Gemara cites the relevant principle: **Any place where you find a positive** mitzva **and a prohibition**[H] that clash with one another, **if you can** find some way **to fulfill both,** that is **preferable; and if that is not** possible, the **positive** mitzva **will come and override the prohibition.** In this case the leper can fulfill his duty with tweezers or a plane, and therefore it should be prohibited for him to shave with a razor. Since it was necessary for the verse to say that the positive mitzva for a leper to shave overrides the prohibition against destroying one's beard, this proves that the mitzva can be performed only with a razor.

וְרַבִּי אֱלִיעֶזֶר, מַאי טַעְמָא? יָלִיף מֵ״רֹאשׁוֹ״. דְּתַנְיָא: ״רֹאשׁוֹ״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר גַּבֵּי נָזִיר ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ״, יָכוֹל אַף נָזִיר מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״רֹאשׁוֹ״.

The Gemara asks: **And Rabbi Eliezer, what is** his **reason?**[N] From where does he derive the *halakha* that a leper must use a razor? He **derives** it **from** the fact that the verse states with regard to a leper: "He shall shave all his hair off **his head** and his beard" (Leviticus 14:9). **As it is taught** in a *baraita*: **Why does the verse state: "His head,"** if it already stated: "All his hair"? It is **because it is stated with regard to a nazirite: "No razor shall come upon his head"** (Numbers 6:5), and therefore one **might** have thought that **the same** should **also** apply to **a nazirite** who is **a leper,** i.e., it should be prohibited for him to shave his head even for the purification ritual for his leprosy. Therefore, **the verse states: "His head,"**[H] to teach that a nazirite who is a leper must shave his head with a razor. Being that a nazirite is prohibited only to use a razor, if a leper could fulfill his obligation to remove his hair using other implements, a nazirite who is a leper would not be permitted to use a razor. Therefore, it can be inferred from the *halakha* of a nazirite who is a leper that the only way for a leper to remove his hair is with a razor.

מִמַּאי? דִּלְמָא לְעוֹלָם אֲפִילּוּ לִיקְטוֹ בְּמַלְקֵט וּבְרֵהִיטְנִי מִצְוָה קָעָבֵיד. וְכִי תֵּימָא: תַּעַר לָמָּה לִי – לְמֵימְרָא דַּאֲפִילּוּ בְּתַעַר; סָלְקָא דַּעְתָּךְ אָמִינָא: הוֹאִיל וְגַבֵּי נָזִיר כִּי עָבֵיד בְּתַעַר מִיחַיַּיב, גַּבֵּי מְצוֹרָע נַמִּי לִיחַיַּיב – קָא מַשְׁמַע לָן דְּלָא!

The Gemara rejects this suggestion: And **from where** do you know that a leper must shave his head with a razor? **Perhaps even** if he **actually removed it with tweezers or a plane he performs a mitzva. And if you would say:** If so, **why do I** need the verse to teach me that he uses **a razor,** through the derivation of the superfluous term "his hair," as above, one can answer: **That is to say that** he is permitted to shave **even with a razor.** As, **it might enter your mind to say** that **since with regard to a nazirite, when** he **performs** the act of shaving **with a razor** he is **liable** for transgressing the prohibition, **with regard to** a nazirite who is **a leper** as well, he should **also be liable** even if he shaved for his leprosy. The verse therefore **teaches us** that this is **not** the case, but it does not teach that a leper must use a razor.

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אִי סָלְקָא דַּעְתָּךְ כִּי עָבִיד בְּמַלְקֵט וּבְרְהִיטְנֵי מִצְוָה קָעָבִיד – מִדְּלָא כְּתַב תַּעַר, כְּרֵישׁ לָקִישׁ.

The Gemara rejects this suggestion: **If it should enter your mind** that **when** a leper **performs** his hair removal **with tweezers or a plane he performs a mitzva,** then **from** the fact that the verse **did not** explicitly **write: Razor,** it can be inferred that he is not allowed to use one, **in accordance with** the aforementioned principle of **Reish Lakish** that one may not violate a prohibition, even for the sake of a mitzva, if it is possible to perform the mitzva in a different manner. Rather, the verse must be coming to teach that the mitzva of the shaving of a leper can be fulfilled only with a razor.

וְרַבָּנַן, הַאי ״רֹאשׁוֹ״ מַאי דָּרְשִׁי בֵּיהּ? מִיבָּעֵי לְהוּ לְמִידְחֵי לָאו דְּהַקָּפָה. דְּתַנְיָא: ״לֹא תַקִּיפוּ פְּאַת רֹאשְׁכֶם״, יָכוֹל אַף מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״רֹאשׁוֹ״.

The Gemara asks: **And the Rabbis,** with regard to **this** term: **“His head,”** which is referring to a leper, **what do they learn from it?** The Gemara answers: **They require** this term **to override** the **prohibition of rounding** the corners of the head. **As it is taught** in a *baraita* with regard to the verse **“You shall not round the corners of your heads”** (Leviticus 19:27): One **might** have thought that **the same** should **also** apply to **a leper,** that it should also be prohibited for him to round the corners of his head when he shaves. Therefore, **the verse states: “His head,”** with regard to a leper.

לָמָּה לִי לְמִכְתַּב ״רֹאשׁוֹ״? וְתֵיפּוֹק לֵיהּ מִ״זְקָנוֹ״! דְּתַנְיָא: ״זְקָנוֹ״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״, יָכוֹל אַף מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״זְקָנוֹ״.

The Gemara asks: **Why do I** need the Torah **to write: “His head”? And let one derive** this *halakha* that the mitzva of shaving overrides that prohibition **from** the term **“his beard”** (Leviticus 14:9). **As it is taught** in a *baraita*: **Why does the verse state: “His beard”?** It is **because** the verse **states** with regard to priests: **“Neither shall they shave off the corners of their beards”** (Leviticus 21:5), and therefore one **might** have thought that **the same** prohibition against shaving one’s beard should **also** apply to **a leper.**[H] Therefore, **the verse states: “His beard.”**

לָמָּה לִי לְמִכְתַּב ״רֹאשׁוֹ״ וְלָמָּה לִי לְמִכְתַּב ״זְקָנוֹ״? צְרִיכִי, דְּאִי כְּתַב רַחֲמָנָא ״זְקָנוֹ״ וְלָא כְּתַב ״רֹאשׁוֹ״ הָוֶה אָמֵינָא: הַקָּפַת כָּל הָרֹאשׁ לֹא שְׁמָהּ הַקָּפָה, לְהָכִי כְּתַב רַחֲמָנָא ״רֹאשׁוֹ״.

The Gemara asks: If so, **why do I** need the Torah **to write: “His head,” and why do I** need it **to write: “His beard”?** One source should suffice to teach that the shaving of a leper overrides any prohibitions that would be violated by that act. The Gemara answers: Both verses **are necessary. As, had the Merciful One written** only: **“His beard,” and not written: “His head,” I would say** that **the rounding of the entire head,** i.e., shaving all the hair off one’s head and not merely the sides, is **not called** a prohibited **rounding.** If that were so, the shaving of a leper’s head would not be prohibited by Torah law. **For this** reason **the Merciful One writes: “His head,”**[N] to teach that the shaving that the leper performs would be considered a prohibited rounding of the head had the Torah not commanded him to shave.

HALAKHA

One might have thought that the same should also apply to a leper – יָכוֹל אַף מְצוֹרָע כֵּן: A leper must shave off all his visible hair, including his beard and the corners of his head (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara’at* 11:1).

NOTES

For this reason the Merciful One writes, his head – לְהָכִי כְּתַב רַחֲמָנָא רֹאשׁוֹ: This verse teaches the novel *halakha*, applicable to everyone, that shaving the entire head is also included in the prohibition of rounding the corners of the head. The very fact that it was necessary for the verse to emphasize that shaving is permitted indicates that the shaving of a leper, which involves the entire head, is considered rounding.

Perek **VI**
Daf **41** Amud **b**

וְאִי כְּתַב ״רֹאשׁוֹ״ וְלֹא כְּתַב ״זְקָנוֹ״ – הָוֶה אָמֵינָא מַשְׁמַע תַּרְתֵּי; דְּאָתֵי עֲשֵׂה וְדָחֵי אֶת לֹא תַּעֲשֶׂה, וּמַשְׁמַע דְּהַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה, וַאֲבַתִּי בְּתַעַר מִנַּלַן? לְהָכִי כְּתַב רַחֲמָנָא ״זְקָנוֹ״.

And had the Torah **written** only: **“His head,” and not written: “His beard,” I would say** that “his head” **teaches two** matters. First, **that a positive** mitzva **comes and overrides a prohibition. And it** also **teaches that rounding the entire head is called rounding.**[H] **And still, from where do we** derive that a leper must shave **with a razor?**[N] **For this** reason **the Merciful One** also **wrote: “His beard,”** and we derive from the prohibition that bars priests from destroying their beards that the removal of the beard involves the use of a razor.

HALAKHA

Rounding the entire head is called rounding – הַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה: The Torah prohibits the shaving of the corners of the head. A man who shaves the corners of his head and one who shaves his entire head are both liable to receive lashes for violating this prohibition (see 58a), as the corners are removed in both instances (*Shulḥan Arukh*, *Yoreh De’a* 181:2).

NOTES

And still, from where do we derive that a leper must shave with a razor – וְאַבַּתִּי בְּתַעַר מִנַּלַן: According to this opinion, the prohibition against rounding the corners of the head is violated by the use of any destructive implement, not only a razor. Consequently, the mitzva for a leper to shave in any case overrides the prohibition against rounding, even if it does not require the use of a razor. Some commentaries derive from here that the prohibition against rounding the corners of the head does not refer to a razor in particular, but includes any destructive act (*Tosafot*). With regard to the *halakha*, some commentaries claim that the *halakha* in practice is otherwise, and the prohibition against rounding the corners of the head applies only to a razor (Meiri, in accordance with the opinion of the Rambam; Rid). This dispute remains undecided, and the *Shulḥan Arukh* cites both opinions.

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וְרַבִּי אֱלִיעֶזֶר, דְּאָתֵי עֲשֵׂה וְדָחֵי אֶת לֹא תַּעֲשֶׂה מְנָלֵיהּ? יָלֵיף מִגְּדִילִים. דְּתַנְיָא: ״לֹא תִלְבַּשׁ שַׁעַטְנֵז״,

The Gemara asks: **And Rabbi Eliezer, from where does he** derive the general principle **that a positive** mitzva **will come**[N] **and override a prohibition?** The Gemara answers: He **derives** it **from** the mitzva of ritual **fringes. As it is taught** in a *baraita*: This verse: **"You shall not wear diverse kinds** of wool and linen" (Deuteronomy 22:11),

NOTES

And Rabbi Eliezer, from where does he derive that a positive mitzva will come, etc. – וְרַבִּי אֱלִיעֶזֶר דְּאָתֵי עֲשֵׂה וכו': Rabbi Eliezer cannot derive this principle from the fact that the verse states: "His beard," in connection to a leper, as it is possible that this verse is required to teach that even a leprous priest must shave his beard (Commentary on *Nazir*). The commentaries explain that "his beard" is necessary to include priests, as one might have thought that they are not permitted to shave at all, because they are subject to special stringencies (*Tosafot*). Others add that one cannot derive this general principle from the fact that the positive mitzva of shaving a leper overrides the prohibitions of a nazirite or a priest.

In the case of a nazirite, one can say that this is because his vow can be dissolved by a halakhic authority, while the prohibition of a priest is considered a light prohibition, as it does not apply to all people (Commentary on *Nazir*). One suggestion is that the very fact that Rabbi Eliezer interprets "his beard" as referring to priests indicates that he must have an alternative source for the principle that a positive mitzva overrides a prohibition, as otherwise he would have explained that "his beard" comes to permit the shaving of the beard of a regular person, which is a case of one positive mitzva overriding a single prohibition. Evidently, Rabbi Eliezer must have a different proof for the general principle, which is why he derives from "his beard" that the mitzva of shaving a leper overrides both the prohibitions and the positive mitzvot of a priest (*Tosafot*).

Perek **VI**
Daf **42** Amud **a**

HALAKHA

You shall make for yourself fringes – גְּדִילִים תַּעֲשֶׂה לָךְ: By Torah law it is permitted to use woolen ritual fringes in a linen garment, as the prohibition of diverse kinds of cloth does not apply to the mitzva of ritual fringes. However, the Sages decreed that one should not do so, in case he wears the garment at night, when ritual fringes are not obligatory. In that case he would be transgressing the prohibition against wearing diverse kinds of cloth without fulfilling a mitzva (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:7).

NOTES

Rav Aḥa…said, etc. – אֲמַר רַב אַחָא וכו': Some early commentaries have a different version of this discussion, which reads as follows. Rav Aḥa said: They taught this only with regard to an impure nazirite, but with regard to a pure nazirite, no, i.e., it is sufficient to shave most of his hair. From where do we learn this? From the fact that the Torah revealed with regard to an impure nazirite: "He shall shave it," which indicates that in the case of a pure nazirite the majority of his head is like all of it. They laughed at it, i.e., this reasoning, in the West. These early commentaries claim that this version is preferable to that of the standard text of the Gemara, which entails several difficulties, not all of which have been resolved satisfactorily.

הָא ״גְּדִילִים תַּעֲשֶׂה לָךְ״ מֵהֶם.

indicates that fringes in the mitzva stated in the adjacent verse: **"You shall make for yourself fringes"**[H] (Deuteronomy 22:12), can be **from them,** wool and linen. By juxtaposing the mitzva of ritual fringes to the prohibition against diverse kinds of cloth, the Torah teaches that the positive mitzva of ritual fringes, which includes dyed blue wool, overrides the prohibition against diverse kinds of cloth, i.e., one may attach woolen ritual fringes to a linen garment. From here one derives the general principle that a positive mitzva overrides a prohibition.

אָמַר מָר: וְכוּלָּם שֶׁגִּילְּחוּ שֶׁלֹּא בְּתַעַר, אוֹ שֶׁשִּׁיְּירוּ שְׁתֵּי שְׂעָרוֹת – לֹא עָשׂוּ וְלֹא כְּלוּם. אֲמַר רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: זֹאת אוֹמֶרֶת רוּבּוֹ כְּכוּלּוֹ מִדְּאוֹרַיְיתָא.

§ The Gemara returns to the mishna that teaches that nazirites, lepers, and Levites must shave their hair. **The Master said** above: **And** with regard to **all of them, if they shaved with** an implement **other than a razor, or if they left two hairs** uncut, **they have done nothing. Rav Aḥa, son of Rav Ika, said:**[N] **That is to say** that the principle: **The majority of** an entity is considered **like all of it,** applies **by Torah law.**

מַאי – מִדְּגַלֵּי רַחֲמָנָא גַּבֵּי נָזִיר ״בַּיּוֹם הַשְּׁבִיעִי יְגַלְּחֶנּוּ״; הָכָא הוּא דְּעַד דְּאִיכָּא כּוּלּוֹ, הָא בְּעָלְמָא – רוּבּוֹ כְּכוּלּוֹ.

The Gemara asks: **From where** do we learn this? The Gemara explains: This principle is derived **from** the fact **that the Merciful One revealed** in the Torah and specified **with regard to a nazirite: "On the seventh day he shall shave it"** (Numbers 6:9), despite the fact that the same verse already stated: "And he shall shave his head on the day of his cleansing." This teaches that **it is** only in this case **here** that he does not fulfill the mitzva of shaving **until there is** the removal **of all of it,** i.e., shaving part of his head is insufficient. This shows that **in general the majority of** an entity is **like all of it.**

מַתְקִיף לָהּ רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: הַאי בְּנָזִיר טָמֵא כְּתִיב! מִחֲכוּ עֲלָהּ בְּמַעֲרָבָא: מִכְּדֵי נָזִיר טָמֵא דִּבְתַעַר מְנָלַן – מִנָּזִיר טָהוֹר יָלֵיף, לֵיתֵי נָזִיר טָהוֹר וְלֵילַף מִנָּזִיר טָמֵא: מַה טָּמֵא כִּי שַׁייר שְׁתֵּי שְׂעָרוֹת – וְלָא כְּלוּם עֲבַד! הָכָא נַמִי, כִּי שַׁייר שְׁתֵּי שְׂעָרוֹת – וְלָא כְּלוּם עֲבַד.

Rabbi Yosei, son of Rabbi Ḥanina, objects to this assertion. **This** verse: "On the seventh day he shall shave it," **is written with regard to a ritually impure nazirite,** not a pure one, whereas the *halakha* in the mishna applies even to a pure nazirite. This shows that the above inference is invalid. **They laughed at** this difficulty **in the West,** i.e., Eretz Yisrael: **After all, from where do we** derive the *halakha* that **an impure nazirite** shaves **with a razor?** It is **derived from** the *halakha* of **a pure nazirite.** If so, **let** the case of **a pure nazirite come and derive** the following *halakha* **from** the case of **an impure nazirite: Just as** with regard to **an impure** nazirite, **if he leaves two hairs he has done nothing, here too,** if a pure nazirite **leaves two hairs he has done nothing.**

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בָּעֵי אַבָּיֵי: נָזִיר שֶׁגִּילַּח, וְשִׁייֵר שְׁתֵּי שְׂעָרוֹת, צִמַּח רֹאשׁוֹ וְחָזַר וְגִילְּחָן, מַהוּ? מִי מְעַכְּבִי אוֹ לָא?

On the same topic, **Abaye raised a dilemma:** With regard to **a nazirite who shaved and left two hairs,** which is not considered an act of shaving, if the hairs of **his head grew and he again shaved,** this time those two hairs alone, **what is** the *halakha*? **Do** these hairs **invalidate** the fulfillment of his obligation **or not?** Has he now completed his initial act of shaving, or is the shaving of two hairs from a head full of hair of no significance, and he must now shave his entire head?

בָּעֵי רָבָא: נָזִיר שֶׁגִּילַּח וְהִנִּיחַ שְׁתֵּי שְׂעָרוֹת, וְגִילַּח אַחַת וְנָשְׁרָה אַחַת, מַהוּ? אָמַר לֵיהּ רַב אַחָא מִדִּיפְתִּי לָרְבִינָא: גִּילַּח שַׁעֲרָה שַׁעֲרָה קָא מִיבָּעֵי לֵיהּ לְרָבָא?

Similarly, **Rava raised a dilemma:** With regard to **a nazirite who shaved and left two hairs,**[H] **and** afterward **shaved one** of them, **and** the other **one fell out**[N] of its own accord, **what is** the *halakha*? Is this considered shaving one's entire head or not? **Rav Aḥa of Difti said to Ravina: Is Rava raising a dilemma** as to whether one can **shave** his head one **hair by** one **hair?** How does this case differ from that of one who shaves his entire head one hair at a time, which is a fulfillment of his obligation?

אֶלָּא אֵימָא: נָשְׁרָה אַחַת וְגִילַּח אַחַת, מַהוּ? אָמַר לֵיהּ: גִּילּוּחַ אֵין כָּאן, שֵׂעָר אֵין כָּאן. אִי שֵׂעָר אֵין כָּאן – גִּילּוּחַ יֵשׁ כָּאן! הָכִי קָאָמַר: אַף עַל פִּי שֶׁשֵּׂעָר אֵין כָּאן – מִצְוַת גִּילּוּחַ אִין כָּאן.

Rather, say that the dilemma is as follows: If **one** hair **fell out and he shaved** the other **one,**[N] **what is** the *halakha*? Has he performed the obligation of shaving if there was only one hair left when he came to shave? Ravina **said to him:** In that case **there is no shaving here; there is no hair here.** The Gemara expresses surprise at this expression: **If there is no hair here,** then **there is shaving here,** as no hair remains. The Gemara explains: **This is what he said: Even though there is no hair here,** as only one hair remains, nevertheless **there is no** fulfillment of the **mitzva of shaving here,**[NH] as he failed to shave it all on the first attempt, and the second time he shaved less than the required amount.

מתני׳ נָזִיר חוֹפֵף וּמְפַסְפֵּס, אֲבָל לֹא סוֹרֵק.

MISHNA **A nazirite may shampoo** [*ḥofef*] his head **and separate** [*mefaspes*][NLH] his hairs manually, without concern that hairs might fall out. **However, he may not comb** his hair.

גמ׳ ״חוֹפֵף וּמְפַסְפֵּס״ מַנִּי? רַבִּי שִׁמְעוֹן הִיא, דְּאָמַר: דָּבָר שֶׁאֵין מִתְכַּוֵּין מוּתָּר. ״אֲבָל לֹא סוֹרֵק״ אֲתָאן לְרַבָּנַן.

GEMARA The Gemara clarifies: **Who is** the *tanna* who maintains that a nazirite **may shampoo and separate** his hairs? **It is Rabbi Shimon, who says: An unintentional act is permitted.**[H] Even if hairs do fall out as a result of this action, as he did not intend this to happen the action is permitted. Yet in the latter clause of the mishna, which states: **However, he may not comb** his hair, **we have come to** the opinion of **the Rabbis.** Although this nazirite also does not intend to tear out any hair when he combs it, it is nevertheless prohibited.

רֵישָׁא רַבִּי שִׁמְעוֹן וְסֵיפָא רַבָּנַן?! אָמַר רַבָּה: כּוּלָּהּ רַבִּי שִׁמְעוֹן הִיא, כָּל הַסּוֹרֵק – לְהָסִיר נִימִין מְדוּלְדָּלוֹת מִתְכַּוֵּין.

This leads to a surprising conclusion, that **the first clause** represents the opinion of **Rabbi Shimon and the latter clause** is the opinion of **the Rabbis. Rabba said:** The **entire** mishna **is** in accordance with the opinion of **Rabbi Shimon,** as he maintains that **anyone who combs** his hair **intends to remove stray hairs,**[N] and therefore this is considered an intentional act.

NOTES

And shaved one and the other one fell out – וְגִילַּח אַחַת וְנָשְׁרָה אַחַת: The two sides of the dilemma are as follows: Since he had two hairs when he came to shave, the removal of the first one constitutes an act of shaving, and when the other one falls out he is considered shaven, thus fulfilling his mitzva. Alternatively, the act of shaving consists of the removal of at least two hairs, and therefore he does not fulfill the obligation by cutting off the first hair.

One fell out and he shaved the other one – נָשְׁרָה אַחַת וְגִילַּח אַחַת: The question here is whether he is considered entirely shaven when one hair falls out, as the remaining hair is not sufficient to give him the status of one who is unshaven. If so, his act of shaving the last remaining hair is of no account, and he has not performed the obligation of shaving, as it was not his action that rendered him as shaven (Commentary on *Nazir*). Other commentaries explain that here too the key factor is the definition of the minimum amount of shaving: Since the act of shaving consists of shaving at least two hairs, if one of them falls out then the removal of the other is of no consequence, and therefore he has not fulfilled the obligation (*Tosafot*; Rosh).

There is no mitzva of shaving here – מִצְוַת גִּילּוּחַ אֵין כָּאן: Some commentaries maintain that he does fulfill the obligation after the fact, although he has not performed it in the proper manner (Commentary on *Nazir*). Several later authorities discuss the possibility that he might have to shave again later to fulfill the mitzva (see *Ḥazon Ish*). There are also those who claim that he must wait seven days for his hair to grow again before he can sacrifice his offerings (Meiri, citing *Tosafot*; see 39b).

Shampoo [*ḥofef*] and separate [*mefaspes*] – חוֹפֵף וּמְפַסְפֵּס: According to some commentaries, the term *ḥofef* means that he can scratch his head (*Arukh*), and others (Rambam's Commentary on the Mishna) add that the term *mefasfes* refers to the use of fingernails or an implement. Alternatively, the term *ḥofef* refers to washing the head of the hair with dirt, whereas the word *mefasfes* means to part hairs manually (*Tosafot*; Rosh).

Anyone who combs intends to remove stray hairs – כָּל הַסּוֹרֵק לְהָסִיר נִימִין מְדוּלְדָּלוֹת מִתְכַּוֵּין: Some commentaries explain that the removal of hair is considered an inevitable outcome of the act of combing, and Rabbi Shimon concedes that an act with an unintended or undesired outcome is prohibited if its outcome is inevitable (see *Ketubot* 6a). However, later authorities point out that Rabba's comments indicate otherwise, as he mentions an actual intention to remove stray hairs. Some commentaries say that Rabba maintains that Rabbi Shimon is lenient in all cases where the outcome is not intended, even if that outcome is inevitable. Consequently, Rabba insists that in this instance the nazirite does have this aim in mind (*Sefat Emet*). Another possibility, which combines elements of the other opinions, is that Rabbi Shimon agrees that one is liable if an unintended outcome is inevitable; however, he maintains that because the removal of hair with a comb is considered an undesired outcome for a nazirite, it is permitted. Rabba therefore states that the nazirite performing this action intends to remove his strands of hair.

LANGUAGE

Separate [*mefaspes*] – מְפַסְפֵּס: From the doubled root *peh*, *samekh*, *peh*, *samekh*, meaning to partition or divide something into parts. Accordingly, *mefaspes* refers to separating entwined hairs.

HALAKHA

A nazirite who shaved and left two hairs – נָזִיר שֶׁגִּילַּח וְהִנִּיחַ שְׁתֵּי שְׂעָרוֹת: If a nazirite left two hairs after shaving, and when the hair on his head grew again either he shaved it all off, including those two hairs, or he shaved one of them and the other fell out, he has fulfilled the obligation of shaving. This is because the Gemara's inquiry with regard to one who shaved those two hairs indicates that if he shaved his entire head he has fulfilled his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:7 and *Kesef Mishne* there).

There is no mitzva of shaving here – מִצְוַת גִּילּוּחַ אֵין כָּאן: If there were two hairs left on the head of a nazirite, and he shaved one and the other fell out, he has not fulfilled the obligation of shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:7).

A nazirite may shampoo and separate, etc. – נָזִיר חוֹפֵף וּמְפַסְפֵּס וכו׳: A nazirite is permitted to wash his hair by hand and rub it with his fingernails, without concern that this might cause a hair to fall off, as he does not have this intention in mind. However, he may not comb or wash his hair with earth, as that will certainly remove some hair. If he did so, he is not liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:14).

An unintentional act is permitted – דָּבָר שֶׁאֵין מִתְכַּוֵּין מוּתָּר: This principle is stated mainly with regard to the *halakhot* of prohibited labor on Shabbat: If performing an action that is permitted on Shabbat might incidentally entail a violation of the *halakhot* of Shabbat, he may perform the permitted action, provided that he does not intend thereby to produce the prohibited outcome, in accordance with the opinion of Rabbi Shimon (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 1:5).

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BACKGROUND

Shampoo – יָחוֹף: In ancient times, when there was no suitable soap available for washing and hygiene, people used various oil-dissolving materials to shampoo their heads and hair. Plants such as aloe, and minerals such as soda carbonate, usually mined from natural deposits of natron, were suitable for this purpose. The coarseness of the minerals and the amount of earth they contained generally led to the removal of some hairs.



Natural natron deposit

NOTES

He may not shampoo with earth – לֹא יָחוֹף בָּאֲדָמָה: Rabbeinu Azriel, cited in the *Shita Mekubbetzet*, presents an alternate version of the text, which reads: He may not even shampoo with earth. He explains that Rabbi Yishmael disagrees with the opinion stated in the previous mishna, and maintains that shampooing is prohibited even if he does not desire the outcome. Others explain that Rabbi Yishmael's reason is that earth inevitably removes hair. This does not contradict the ruling in the previous mishna, and therefore it is possible that there is no dispute here at all (Rambam; see Meiri).

מתני׳ רַבִּי יִשְׁמָעֵאל אוֹמֵר: לֹא יָחוֹף בָּאֲדָמָה, מִפְּנֵי שֶׁמַּשֶּׁרֶת אֶת הַשֵּׂעָר.

MISHNA **Rabbi Yishmael says:** A nazirite **may not shampoo**[B] his hair **with earth**[N] **because** this **causes the hair to fall out.**

גמ׳ אִיבַּעְיָא לְהוּ: "מִפְּנֵי שֶׁהִיא מַשֶּׁרֶת אֶת הַשֵּׂעָר" תְּנַן, אוֹ דִלְמָא "מִפְּנֵי הַמַּשֶּׁרֶת" תְּנַן? לְמַאי נָפְקָא מִינָּה,

GEMARA **A dilemma was raised before** the Sages: What is the precise wording of the mishna? Do **we learn: Because it removes**[H] **hair,** i.e., earth in general removes hair, **or do we perhaps learn: Because of that which removes** hair. In other words, although some types of earth do not remove hair, it is prohibited to use these as well, due to those types that do remove hair. The Gemara inquires: **What** is the **difference** of this textual question?

כְּגוֹן דְּאִיכָּא אֲדָמָה דְּלָא מַתְּרָא; אִי אָמְרַתְּ "מִפְּנֵי שֶׁהִיא מַשֶּׁרֶת" תְּנַן, הֵיכָא דְּיָדְעִינַן דְּלָא מַתְּרָא – שַׁפִּיר. אֶלָּא אִי אָמְרַתְּ מִפְּנֵי הַמַּשֶּׁרֶת – כְּלָל כְּלָל לֹא. תֵּיקוּ.

The Gemara explains: There is a difference in a case **where there is** a type of **earth that does not remove** hair. **If you say** that **we learned** in the mishna: **Because it removes** hair, then in a case **where we know that it does not remove** hair **it is fine** to shampoo with that substance. **However, if you say** the text reads: **Because of that which removes** hair, this indicates that the Sages prohibited using any type of earth, due to the type that removes hair. If so, a nazirite may **not** shampoo his head with any earth **at all,** not even if it does not remove hair. No answer was found, and the Gemara says that the dilemma **shall stand** unresolved.

מתני׳ נָזִיר שֶׁהָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ "אַל תִּשְׁתֶּה" "אַל תִּשְׁתֶּה", וְהוּא שׁוֹתֶה – חַיָּיב עַל כָּל אַחַת וְאַחַת. הָיָה מְגַלֵּחַ כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ "אַל תְּגַלֵּחַ" "אַל תְּגַלֵּחַ", וְהוּא מְגַלֵּחַ – חַיָּיב עַל כָּל אַחַת וְאַחַת. הָיָה מִטַּמֵּא לַמֵּתִים כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת. אָמְרוּ לוֹ "אַל תִּטַּמֵּא" "אַל תִּטַּמֵּא", וְהוּא מִטַּמֵּא – חַיָּיב עַל כָּל אַחַת וְאַחַת.

MISHNA **A nazirite who was drinking wine all day**[H] **is liable** to receive **only one** set of lashes. If people **said to him** during the course of the day: **Do not drink,**[H] **do not drink, and** nevertheless **he** continues to **drink, he is liable for each and every** time he was warned. If a nazirite **kept shaving all day,**[H] **he is liable** to receive **only one** set of lashes. If **they said to him: Do not shave,**[H] **do not shave, and he shaves, he is liable for each and every** time he was warned. If he **became ritually impure from a corpse**[H] many times **all day, he is liable** to receive **only one** set of lashes. If **they said to him: Do not become impure,**[H] **do not become impure, and he** continues to **become impure, he is liable for each and every** time he was warned.

HALAKHA

Because it removes – מִפְּנֵי שֶׁהִיא מַשֶּׁרֶת: A nazirite may not wash his hair with earth, as this will certainly lead to the removal of hair. The *halakha* is in accordance with the first suggested reading of the mishna, which says that only substances that will certainly remove hair are forbidden. This follows the principle that one is lenient with regard to uncertainties involving rabbinic law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:14, and *Kesef Mishne* there).

Was drinking wine all day, etc. – הָיָה שׁוֹתֶה יַיִן כָּל הַיּוֹם וכו׳: A nazirite who kept drinking wine all day long but was warned only once receives a single set of lashes for violating the prohibition against drinking wine, although he is liable to Heaven for each quarter-*log* he drinks. For violating the prohibition in the verse "he shall not profane his word" (Numbers 30:3) he receives an additional set of lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10).

They said to him, do not drink – אָמְרוּ לוֹ אַל תִּשְׁתֶּה: If a nazirite was warned against drinking a quarter-*log* of wine multiple times by witnesses who instructed him each time: Do not drink, do not drink, and he drank anyway, he is liable for each quarter-*log* for which he received a warning (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:10; see *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 14:7).

If he kept shaving all day – הָיָה מְגַלֵּחַ כָּל הַיּוֹם: A nazirite who shaved his entire head is liable for only a single act of shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:13).

If they said to him, do not shave – אָמְרוּ לוֹ אַל תְּגַלֵּחַ: If a nazirite was warned for each hair: Do not shave, do not shave, he is liable for each and every hair he shaves (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:13).

If he became ritually impure from a corpse – הָיָה מִטַּמֵּא לַמֵּתִים: If a nazirite became impure from a corpse many times, he is flogged only once, although he is liable to Heaven for each act (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:16).

If they said to him, do not become impure – אָמְרוּ לוֹ אַל תִּטַּמֵּא: If a nazirite was warned: Do not become impure, do not become impure, and he proceeded to become impure regardless, he is liable for each and every impurity for which he received a warning (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:16).

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גמ׳ אִיתְּמַר, אָמַר רַבָּה אָמַר רַב הוּנָא: מִקְרָא מָלֵא דִּבֶּר הַכָּתוּב ״לֹא יִטַּמָּא״, כְּשֶׁהוּא אוֹמֵר ״לֹא יָבֹא״ – לְהַזְהִירוֹ עַל הַטּוּמְאָה, לְהַזְהִירוֹ עַל הַבִּיאָה. אֲבָל טוּמְאָה וְטוּמְאָה – לֹא.

GEMARA A dispute among *amora'im* **was stated. Rabba said** that **Rav Huna said: The Torah stated** a *halakha* involving a nazirite in **a categorical verse:** "**He shall not become impure** for his father, or for his mother, for his brother, or for his sister, when they die" (Numbers 6:7). This includes all manners of contracting impurity imparted by a corpse, whether ritual impurity imparted by contact, by carrying, or in a tent, i.e., a corpse under the same roof. **When** the Torah **states: "He shall not come** near to a dead body" (Numbers 6:6), it serves **to warn him with regard to** contracting **impurity** from a corpse in any manner, as above, and **to warn him with regard to entering**[N] an enclosure with a corpse, which is a unique prohibition applicable to a nazirite that is added by the phrase "He shall not come near to a dead body," and he is liable separately for each. **However,** with regard to one contracting **impurity** from a corpse **and** again contracting **impurity** from a corpse, the verse does **not** warn him, and he is liable to receive only one set of lashes.

וְרַב יוֹסֵף אָמַר: הָאֱלֹהִים! אָמַר רַב הוּנָא אֲפִילּוּ טוּמְאָה וְטוּמְאָה. דְּאָמַר רַב הוּנָא: נָזִיר שֶׁהָיָה עוֹמֵד בְּבֵית הַקְּבָרוֹת, וְהוֹשִׁיטוּ לוֹ מֵתוֹ וּמֵת אַחֵר, וְנָגַע בּוֹ – חַיָּיב. אַמַּאי? הָא מִיטַּמֵּא וְקָאֵים! אֶלָּא לָאו שְׁמַע מִינַּהּ, אָמַר רַב הוּנָא אֲפִילּוּ טוּמְאָה וְטוּמְאָה.

And Rav Yosef says in the form of an oath: **By God! Rav Huna** actually **says** that he is separately liable **even** for contracting **impurity** from a corpse **and** again contracting **impurity** from a corpse, not only if he entered an enclosure with a corpse. **As Rav Huna says:** With regard to **a nazirite who was standing in a cemetery,** who is already ritually impure, **and they extended his corpse,** i.e., the corpse of his relative, **to him, and** similarly if they extended **a different corpse** to him **and he touched it,** he is **liable.** But **why** is he liable; he **has already become impure and is standing** in his state of impurity? **Rather, isn't it** correct to **conclude from** this that **Rav Huna said** he is separately liable **even** for contracting **impurity** from a corpse **and** again contracting **impurity** from a corpse?

אֵיתִיבֵיהּ אַבַּיֵי: כֹּהֵן שֶׁהָיָה לוֹ מֵת מוּנָּח עַל כְּתֵיפוֹ, וְהוֹשִׁיטוּ לוֹ מֵתוֹ וּמֵת אַחֵר, וְנָגַע בּוֹ, יָכוֹל יְהֵא חַיָּיב – תַּלְמוּד לוֹמַר ״וְלֹא יְחַלֵּל״ – בְּמִי שֶׁאֵינוֹ מְחוּלָּל, יָצָא זֶה שֶׁהוּא מְחוּלָּל וְעוֹמֵד.

Abaye raised an objection to Rav Yosef from a *baraita*: With regard to **a priest who had a corpse**[NH] **placed on his shoulder, and they extended his corpse,** i.e., the corpse of his relative, **to him, and** similarly if they extended **a different corpse** to him **and he touched it,** one **might** have thought that **he should be liable** even for this contact. Therefore, **the verse states,** with regard to the prohibition against a High Priest becoming impure: "**And he shall not profane** the Sanctuary of his God" (Leviticus 21:12). This teaches that the prohibition of impurity applies **to one who is not** yet **profaned, excluding this one who is** already **profaned and standing** in that state of ritual impurity.

אָמַר לֵיהּ: וְתִיקְשִׁי לָךְ מַתְנִיתִין, דְּתָנֵן: הָיָה מִיטַּמֵּא לַמֵּתִים כָּל הַיּוֹם – אֵינוֹ חַיָּיב אֶלָּא אַחַת, אָמְרוּ לוֹ ״אַל תִּטַּמֵּא״ ״אַל תִּטַּמֵּא״ – חַיָּיב עַל כָּל אַחַת וְאַחַת. וְאַמַּאי? הָא מִיטַּמֵּא וְקָאֵים.

Rav Yosef **said to him: But** if, as you claim, one is not liable for contracting one impurity after another, **the mishna should pose a difficulty for you. As we learned** in the mishna: If a nazirite **became ritually impure from corpses** many times **all day, he is liable** to receive **only one** set of lashes. **If they said to him: Do not become impure, do not become impure,** and he continues to become impure, **he is liable for each and every** time he was warned. **But why** should this be so? **He has already become impure and is standing** in his state of impurity.

אֶלָּא קַשְׁיָא אַהֲדָדֵי. לָא קַשְׁיָא; כָּאן בְּחִיבּוּרִין, כָּאן – שְׁלֹא בְּחִיבּוּרִין.

Rather, the mishna and *baraita* pose **a difficulty for each other.** The Gemara answers: This is **not difficult,** as **here** the *baraita* is referring **to a concurrent** contact with impurity,[H] i.e., when he touched the second corpse he was still in contact with the first, so he is not liable for the second impurity. Conversely, **there** the mishna is referring **to** impurity that was **not a concurrent** contact. He touched the second corpse only after he had separated himself from the first, and therefore he is liable for each impurity.

NOTES

To warn him with regard to entering – לְהַזְהִירוֹ עַל הַבִּיאָה: Some commentaries explain that according to the opinion of Rabba, two separate prohibitions are involved here, a general one concerning any ritual impurity imparted by a corpse, and a special warning against entering an enclosure with a corpse. Consequently, if a nazirite entered an enclosure with a corpse after he already came into contact with a corpse, he is liable for the second action as well, despite the fact that he was already impure (Commentary on *Nazir*). Others say that Rabba maintains that if a nazirite was warned with regard to both contracting impurity from a corpse and entering an enclosure with a corpse before he violated both warnings simultaneously by entering an enclosure containing a corpse, he is liable to receive two sets of lashes (*Tosafot*). Yet others interpret this statement as a limitation: Although the mishna rules that he is flogged for each and every impurity, this *halakha* applies only to contracting impurity from a corpse and to entering an enclosure with a corpse (Meiri).

A priest who had a corpse – כֹּהֵן שֶׁהָיָה לוֹ מֵת: Some commentaries maintain that this refers to a High Priest, as indicated by the verse cited in the Gemara (Commentary on *Nazir*). Others read: A nazirite (*Tosafot*). There is no halakhic difference between these two versions, as the *halakhot* of a nazirite is like that of a High Priest with regard to ritual impurity.

HALAKHA

A priest who had a corpse, etc. – כֹּהֵן שֶׁהָיָה לוֹ מֵת וכו׳: If a High Priest unlawfully contracted ritually impurity from a corpse and afterward entered a tent with a corpse, he is liable for this entry as well, if he was warned against it. The *halakha* is in accordance with the opinion of Rabba, as Rav Yosef agrees with his ruling (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:7).

Here it is referring to a concurrent impurity – כָּאן בְּחִיבּוּרִין: A nazirite is liable to receive lashes for each act of contracting ritual impurity for which he was warned. This applies only if he separated from the corpse between each instance of impurity, or if he carried a corpse or lay over it. However, if he came into contact with one corpse while touching another he is not liable twice, even if he had received a warning with regard to both of them, in accordance with the opinion of Rav Yosef. Some commentaries invoke the principle that *halakha* is generally ruled in accordance with the opinion of Rabba and contrary to that of Rav Yosef. If so, the nazirite is liable only for contracting impurity from a corpse and for entering an enclosure with a corpse in it, as the Gemara's distinction between concurrent impurity in the case of contracting impurity applies only according to the opinion of Rav Yosef (Ra'avad). Others state that the principle that the *halakha* is ruled in accordance with the opinion of Rabba rather than that of Rav Yosef applies only if they engage in a dispute in a specific case itself, whereas here they disagree with regard to the content of Rav Huna's statement. Since Rav Yosef took an oath that he was correct, it can be assumed that he had investigated the matter thoroughly (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:4 and *Sefer Hafla'a*, *Hilkhot Nezirut* 5:16–17).

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HALAKHA

They stated concurrent impurity only, etc. – לֹא אָמְרוּ טוּמְאָה בְּחִיבּוּרִין אֶלָּא וכו׳: By Torah law, one who contracts ritual impurity imparted by a corpse renders someone who touches him impure only until the evening. However, by rabbinic law if the first person is in contact with a corpse at the time, the second is impure for seven days, as though he touched the corpse himself. This rabbinic law is only with regard to *teruma* and offerings, but not with regard to a nazirite or one who performs the ritual of the Paschal offering. The *Mishne LaMelekh* notes that others maintain that by Torah law one who touches a person in contact with a corpse is ritually impure for seven days, and that only a third person who touches the second is impure by rabbinic law (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 5:2).

וְטוּמְאָה בְּחִיבּוּרִין דְּאוֹרַיְיתָא? הָא אָמַר רַב יִצְחָק בַּר יוֹסֵף אָמַר רַבִּי יַנַּאי: לֹא אָמְרוּ טוּמְאָה בְּחִיבּוּרִין אֶלָּא לִתְרוּמָה וְקָדָשִׁים, אֲבָל לְנָזִיר וְעוֹשֶׂה פֶּסַח – לֹא. וְאִי אָמַרְתְּ דְּאוֹרַיְיתָא, מַאי שְׁנָא?

The Gemara asks: **And** this *halakha*, that a nazirite is exempt from being flogged for a second contact with a corpse in a case of **concurrent impurity,** does it apply **by Torah law?**[N] **Didn't Rav Yitzḥak bar Yosef say** that **Rabbi Yannai said: They stated** the principle of **concurrent impurity only**[H] **with regard to** partaking of ***teruma* and consecrated** foods, i.e., that one who touches a person who is in contact with a corpse is ritually impure with impurity imparted by a corpse for seven days. **However, with regard to a nazirite,** i.e., the question of whether a nazirite is considered ritually impure and has to bring offerings due to this contact, **and** with regard to **one who performs** the ritual of **the Paschal offering,** this *halakha* does **not** apply. **And if you say** that this *halakha* applies **by Torah law, what is different** between the case of *teruma* and the case of a nazirite?

כָּאן – בְּחִיבּוּרֵי אָדָם בְּאָדָם, כָּאן – בְּחִיבּוּרֵי אָדָם בְּמֵת.

The Gemara explains that there are two different types of concurrent impurity. **Here,** where there is a difference between *teruma* and a nazirite, it is referring to **concurrent** contact of one **person with** another **person.**[N] If one touched another while the other was in contact with a corpse, the impurity of the first is by rabbinic law. By contrast, **there** it is referring **to concurrent** contact of **a person with a corpse.**[N] One who is touching a corpse is considered linked to impurity by Torah law with regard to his second contact with a corpse.

אֲבָל טוּמְאָה וְטוּמְאָה לָא, דְּהָא מִיטַּמֵּא וְקָאֵי.

The Gemara summarizes: The fact that one who is touching a corpse is not liable for contact with a second corpse leads to Rabba's aforementioned ruling: **However,** with regard to contracting **impurity** from a corpse **and** again contracting **impurity** from a corpse, i.e., if a person contracted impurity imparted by a corpse and then touched another corpse while still in contact with the first corpse, he is **not** liable for the second impurity, **as he has already become impure and is standing** in his state of ritual impurity.

טוּמְאָה וּבִיאָה נַמִּי, הָא מִיטַּמֵּא וְקָאֵי. אָמַר רַבִּי יוֹחָנָן: כָּאן בַּבַּיִת,

The Gemara asks: If so, with regard to **impurity and entering** one should say **likewise,** that when he enters an enclosure containing a corpse when he is in contact with a corpse, **he has already become impure and is standing** in his impurity. Why should he be flogged again for entering the enclosure? **Rabbi Yoḥanan said:** In the case of impurity and entering one must again distinguish between two instances: **Here,** where Rav Huna said that one will be liable for both contractions of impurity, it is referring to one who was pure and who went **into a house** that contained a corpse, rendering him liable twice. The entering the house and the ritual impurity imparted by a corpse in a tent, i.e., to that which is under the same roof, occurred simultaneously, and therefore he is liable twice, once for contracting ritual impurity and once for violating the particular prohibition against a nazirite entering an enclosure with a corpse in it.

כָּאן בַּשָּׂדֶה.

Whereas **there,** where he is liable only once, it is referring to one who was **in a field.** In other words, if a nazirite touched a corpse in a field and subsequently entered an enclosure with a corpse in it while he was still in contact with the first corpse, he is not liable separately for that entering, as he was already ritually impure.

NOTES

And is concurrent impurity by Torah law – וְטוּמְאָה בְּחִיבּוּרִין דְּאוֹרַיְיתָא: The concept of concurrent impurity involves several different cases. One type is a person who touches a source of impurity while still in contact with another source of impurity. A different category is that of one who touches another who is in contact with a corpse. Apparently, these are two separate concepts which share a common name. The commentaries explain that when the Gemara asks this question it assumes that concurrent impurity is a broad concept which means that whoever holds ritual impurity in his hands is considered like the impure item itself. Consequently, he cannot be become impure again and one who touches him has effectively touched the source of the impurity itself. The answer of the Gemara is that there is a difference between the two issues (Meiri).

Concurrent contact of one person with another person – חִיבּוּרֵי אָדָם בְּאָדָם: Some commentaries explain that this refers to one who is touching a corpse while another is touching the first (Commentary on *Nazir*). The first person is ritually impure to the first degree, while the second person is impure for seven days by rabbinic law. Others have a version of the text that reads: Here it is referring to concurrent impurity with regard to vessels. The vessels are ritually impure for seven days because they were touched by a person who was in contact with a corpse (Meiri). Yet others explain that this refers to three people. The first is in contact with a corpse, the second is touching the first, and the third touches the second. It is this third person whose impurity is referred to as concurrent impurity, which lasts for seven days by rabbinic law (*Tosafot*; Rabbeinu Peretz; Rabbeinu Todros).

Concurrent contact of a person with a corpse – חִיבּוּרֵי אָדָם בְּמֵת: Some commentaries explain that the one touching the corpse has already become ritually impure, and he is not liable again if he comes into contact with another corpse (Commentary on *Nazir*). If so, he is not considered in contact with a corpse by Torah law. Others maintain that someone in contact with a corpse renders one who touches him impure by Torah law. Only a third person, i.e., one who touches a person who himself is touching a third who is in contact with a corpse, is impure for seven days by rabbinic law (*Tosafot*).

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בְּבֵית נַמִּי, כֵּיוָן דְּאָעֵיל יְדֵיהּ – אִיסְתַּאַב, כִּי עָיֵיל כּוּלֵּי הַאי טָמֵא הוּא!

The Gemara asks: With regard to one who enters **into a house too,** why should he be liable twice? Since one typically enters a place with his hands before his body, **once he inserts his hand**[H] **he** immediately **becomes ritually impure.** This means that **when all** the rest **of him enters, this** person **is** already **impure.**

אֶלָּא אֲמַר רַבִּי אֶלְעָזָר: צֵירֵף יָדוֹ, מְשׁוּם טוּמְאָה אֵיכָּא, מְשׁוּם בִּיאָה – לֵיכָּא. וְצֵירֵף גּוּפוֹ – טוּמְאָה וּבִיאָה בַּהֲדֵי הֲדָדֵי קָאָתוּ. הָא אִי אֶפְשָׁר דְּלָא עָיֵיל חוֹטְמוֹ בְּרֵישָׁא, וְנָחֵית לֵיהּ טוּמְאָה!

Rather, Rabbi Elazar said: If **he inserted his hand** into the house first, **there is** liability **due to** contracting **ritual impurity;** however, **there is no** liability **due to entering** the enclosure. **But** if **he joined his body** and his hands, i.e., all of him entered at once, contraction of **impurity and entering** the enclosure **occur simultaneously,** and in that case he is liable twice. The Gemara objects: **It is impossible** that **his nose would not enter first, and** once it does, **impurity would descend to it** and thereby to this person immediately, before the rest of his body entered the house.

אֶלָּא אֲמַר רָבָא: הִכְנִיס יָדוֹ, מְשׁוּם טוּמְאָה – אִיכָּא, מְשׁוּם בִּיאָה – לֵיכָּא. הִכְנִיס גּוּפוֹ – טוּמְאָה וּבִיאָה בַּהֲדֵי הֲדָדֵי קָא אָתְיָין. וְהָא אִי אֶפְשָׁר דְּלָא עָיֵיל אֶצְבְּעָתָא דְּכַרְעֵיהּ בְּרֵישָׁא, וְנָחֵית לְהוּ טוּמְאָה!

Rather, Rava said: If **he entered** with only **his hand there is** liability **due to** contracting **ritual impurity,** but **there is no** liability **due to entering** an enclosure with a corpse, as he cannot be considered inside the house. If **he entered** with **his body** by standing upright so that his head would not enter first, contraction of **impurity and entering** the enclosure **occur simultaneously.** The Gemara asks: **But** even so, **it is impossible** that **his toes would not enter first, and** once they do, **impurity would** thereby **descend to them,** causing him to become impure before his entire body enters the house.

אֶלָּא אֲמַר רַב פָּפָּא: כְּגוֹן שֶׁנִּכְנָס בְּשִׁידָּה תֵּיבָה וּמִגְדָּל וּבָא חֲבֵירוֹ וּפָרַע עָלָיו אֶת הַמַּעֲזִיבָה, דְּטוּמְאָה וּבִיאָה בַּהֲדֵי הֲדָדֵי קָאָתְיָין. מָר בַּר רַב אַשִׁי אָמַר: כְּגוֹן דְּעָיֵיל כְּשֶׁהוּא גּוֹסֵס, וּנְפַק נִשְׁמָתֵיהּ אַדְּיָתֵיב, דְּטוּמְאָה וּבִיאָה בַּהֲדֵי הֲדָדֵי קָאָתְיָין.

Rather, Rav Pappa said: We are dealing with a case **where one entered** into a house **in a chest, a box,**[H] **or a cabinet,** which are not susceptible to ritual impurity and which protect their contents from impurity when they can hold more than forty *se'a,* **and another came and opened the cover**[N] of the vessel **from over him.** In **that** case contracting **impurity and entering** the enclosure **occur simultaneously. Mar bar Rav Ashi said:** It is referring to a case **where one entered** the house **when** someone there **was dying, and** the latter's **soul departed when** he **was sitting** there. In **that** case too, contracting **impurity and entering** the enclosure with a corpse **occur simultaneously.** Since there was no corpse in the enclosure when he entered, he is considered to have entered an enclosure with a corpse at the moment the person died.

תָּנוּ רַבָּנַן: ״לְהֵחַלּוֹ״ – עַד שָׁעָה שֶׁיָּמוּת, רַבִּי אוֹמֵר: ״בְּמוֹתָם יִטַּמָּא״ – עַד שֶׁיָּמוּת.

§ With regard to the ritual impurity of a corpse, **the Sages taught:** The Torah states concerning a priest's exposure to ritual impurity imparted by a corpse: "He shall not become impure, a chief among his people, **to profane himself"** (Leviticus 21:4), from which it is derived that the prohibition does not apply **until the time that** the person with whom he comes into contact **dies.** A priest does not become impure or profane his priesthood at any earlier stage. **Rabbi** Yehuda HaNasi **says** that the verse stated with regard to a nazirite: "He shall not become impure for his father, or for his mother, for his brother, or for his sister, when they die" (Numbers 6:7), from which one can infer that **when they die,** one **contracts ritual impurity** from them, i.e., not **until** the other person actually **dies.**

מַאי בֵּינַיְיהוּ? אָמַר רַבִּי יוֹחָנָן: מַשְׁמָעוּת דּוֹרְשִׁין אֵיכָּא בֵּינַיְיהוּ. רֵישׁ לָקִישׁ אָמַר: גּוֹסֵס אֵיכָּא בֵּינַיְיהוּ; לְמַאן דְּאָמַר מִ״לְהֵחַלּוֹ״ – אֲפִילּוּ גּוֹסֵס, לְמַאן דְּאָמַר ״בְּמוֹתָם״, עַד שֶׁיָּמוּת – אִין, גּוֹסֵס – לָא.

The Gemara asks: **What is** the difference **between** these two derivations? They apparently state the same *halakha* from different verses. **Rabbi Yoḥanan says: The interpretation of the meaning** of the verse **is** the difference **between them.** There is no practical difference between them; rather, they derive the *halakha* from different verses. **Reish Lakish said:** The difference **between them** is with regard to **a dying person: According to the one who says** that one derives the *halakha* from "He shall not become impure, a chief among his people, **to profane himself," even a dying person** is included in the prohibition of impurity. **According to the one who says** that it is derived from "**when they die," once he dies, yes** there is impurity, whereas **a dying person, no,** he does not impart impurity.

HALAKHA

Once he inserts his hand, etc. – כֵּיוָן דְּאָעֵיל יְדֵיהּ וכו׳: One is rendered impure if he enters a tent that contains a corpse, even if he enters with only part of his body. Even if he inserts his hand or the tip of his nose, it is as though his whole body has entered, and he is impure (Rambam *Sefer Tahara, Hilkhot Tumat Met* 1:11).

Where one entered in a chest, a box, etc. – שֶׁנִּכְנָס בְּשִׁידָּה תֵּיבָה וכו׳: If a nazirite or a High Priest entered a tent with a corpse in it while he was in a chest, a box, or a cabinet, and another person came and opened its cover with his consent, he is liable to receive two sets of lashes, one for "He shall not come near to a dead body" (Numbers 6:6) and one for "He shall not become impure" (Numbers 6:7). This is because the impurity and his entrance occurred simultaneously. The same *halakha* applies to one who entered a house and stayed there until a dying person passed away, as stated by Rav Pappa and Mar bar Rav Ashi (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 5:18 and *Sefer Shofetim, Hilkhot Evel* 3:6).

NOTES

And opened the cover – וּפָרַע עָלָיו: Some commentaries point out that the person in the box is liable only if he assists the one who opens the cover, as one who does not perform an action is not liable (*Tosafot*; Rosh). Others claim that it is enough if the cover is opened by his instruction or even with his knowledge (Rambam).

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HALAKHA

He may become impure from their leprosy or from their gonorrhea-like discharge – מִיטַּמֵּא בְּנִגְעָתָם וְזִיבָתָם: Priests and nazirites are permitted to become ritually impure from other impurities apart from the impurity of a corpse (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 16:9).

He renders others impure only when his soul departs from him – אֵינוֹ מְטַמֵּא אֶלָּא עַד שֶׁתֵּצֵא נַפְשׁוֹ: A dying person does not impart impurity until his soul departs, even if his throat was slashed (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 1:15).

With regard to profaning, he is profaned – לְעִנְיַן אִיתְחוּלֵי הָא אִיתְחֵיל: It is forbidden for a priest to enter a house that contains a dying person, as although this does not render him ritually impure, it does profane his priesthood (*Shakh*). Some commentaries rule in accordance with the opinion of Rabbi Yoḥanan that this is prohibited only if the person is at the point of death. The Rema maintains that it is proper to be stringent, and this is the consensus among the later authorities (*Shulḥan Arukh*, *Yoreh De'a* 370:1).

וּלְמַאן דְּאָמַר מִ"לְהֵחָלוֹ", הָכְתִיב "בְּמוֹתָם"! מִיבָּעֵי לֵיהּ לְכִדְרַבִּי. דְּתַנְיָא, רַבִּי אוֹמֵר: בְּמוֹתָם אֵינוֹ מְטַמֵּא, אֲבָל מְטַמֵּא בְּנִגְעָתָם וּבְזִיבָתָם.

The Gemara asks with regard to Reish Lakish's opinion: **And according to the one who says** that it is derived from **"to profane himself," isn't it written: "When they die"?** What does he derive from that verse? The Gemara answers: **He requires** that verse **for that which** was taught **by Rabbi** Yehuda HaNasi. **As it is taught** in a *baraita* that **Rabbi** Yehuda HaNasi **says** that the verse stresses "when they die," to teach: In a case **when they die he may not become impure; however, he may become impure from their leprosy or from their gonorrhea-like discharge.**[H] A nazirite is prohibited from contracting ritual impurity only if it is from a corpse.

וּלְמַאן דְּאָמַר "בְּמוֹתָם", הָא מִיבָּעֵי לֵיהּ לְהַאי סְבָרָא! אִם כֵּן לֵימָא קְרָא "בְּמוֹת", מַאי "בְּמוֹתָם" – שָׁמְעַתְּ מִינָּהּ תַּרְתֵּי.

The Gemara asks: **And according to the one who says** that the earliest time the prohibition takes effect is derived from the phrase **"when they die," he** also **requires that** verse **for this reason;** how does he derive two *halakhot* from the same verse? The Gemara answers: **If so, let the verse state: When he dies; what is** the reason for the emphasis of **"when they die"? You can learn from** this verse **two** *halakhot*, that one does not impart impurity until he is actually dead, and that a nazirite is prohibited from contracting only the impurity of a corpse.

וּלְמַאן דְּאָמַר "בְּמוֹתָם" הָכְתִיב "לְהֵחָלוֹ"! "לְהֵחָלוֹ" לְהָכִי הוּא דַּאֲתָא: בְּמִי שֶׁאֵינוֹ מְחוּלָּל, יָצָא זֶה שֶׁמְּחוּלָּל וְעוֹמֵד.

The Gemara asks the reverse question: **And according to the one who says** that the source for the earliest time of the impurity of a corpse is the verse **"when they die," isn't it written: "To profane himself"?** What does he derive from that verse? The Gemara answers: **"To profane himself" comes for this** purpose, that the prohibition against becoming impure apply only **to one who is not profaned, excluding one who is** already **profaned.** There is no prohibition against a ritually impure priest becoming impure from a corpse.

וּלְמַאן דְּאָמַר מִ"לְהֵחָלוֹ", הָא מִיבָּעֵי לֵיהּ לְהַאי סְבָרָא! אִם כֵּן לֵימָא קְרָא "לְהָחֵל", מַאי "לְהֵחָלוֹ" – שָׁמְעַתְּ מִינָּהּ תַּרְתֵּי.

The Gemara asks: **And according to the one who says** that the source for the commencement of impurity imparted by a corpse is **"to profane himself," he** also **requires that** verse **for this reason;** how does he derive two *halakhot* from the same verse? The Gemara answers: **If so, let the verse state: To profane; what is** the reason for the emphasis of **"to profane himself"? You can learn from** this verse **two** *halakhot*, that a nazirite is prohibited from becoming impure even through contact with a dying person, and that there is no prohibition against contracting impurity a second time for one who is already impure.

מֵיתִיבִי: אָדָם אֵינוֹ מְטַמֵּא אֶלָּא עַד שֶׁתֵּצֵא נַפְשׁוֹ, וַאֲפִילּוּ מְגוּיָּיד וַאֲפִילּוּ גּוֹסֵס. וּלְמַאן דְּאָמַר מִ"לְהֵחָלוֹ" הָא קָתָנֵי דְּאֵינוֹ מְטַמֵּא! לְעִנְיַן טַמְּוּיֵי – עַד דְּנָפְקָא נַפְשֵׁיהּ, לְעִנְיַן אִיתְחוּלֵי – הָא אִיתְחֵיל.

The Gemara **raises an objection** from a mishna (*Oholot* 1:6): **A person renders** others **impure only when his soul departs** from **him,**[H] **even if he has severe lacerations** [*meguyyad*],[L] **and even if** he **is dying. But according to the one who says** that the commencement of the impurity of a corpse is derived **from "to profane himself,"** this *baraita* is difficult, as it **teaches** that a dying person **does not impart impurity.** The Gemara answers: **With regard to imparting impurity,** he does not impart impurity **until his soul departs, but with regard to profaning**[N] the sanctity of the priesthood, a priest **is profaned**[H] by a dying person.

LANGUAGE

Has severe lacerations [*meguyyad*] – מְגוּיָּיד: According to most commentaries, this term is derived from the root *gimmel*, *vav*, *dalet* or *gimmel*, *dalet*, *dalet*, meaning a slice or a cut (see Daniel 4:11). In this context it means that the individual is mortally wounded. Some suggest that this term is *meguyyar*, from *gira*, an arrow, and that it refers to one who was mortally wounded by an arrow.

NOTES

With regard to profaning – לְעִנְיַן אִיתְחוּלֵי: The Gemara is suggesting that the very entrance of a priest or a nazirite to a place where he is likely to contract impurity constitutes a desecration of his sanctity, even if he does not actually become impure.

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אָמַר רַב חִסְדָּא אָמַר רַב: נִקְטַע רֹאשׁוֹ שֶׁל אָבִיו – אֵינוֹ מְטַמֵּא לוֹ. מַאי טַעְמָא – אָמַר קְרָא ״לְאָבִיו״ – בְּזְמַן שֶׁהוּא שָׁלֵם, וְלֹא בְּזְמַן שֶׁהוּא חָסֵר. אֲמַר לֵיהּ רַב הַמְנוּנָא: אֶלָּא מֵעַתָּה, קָאָזֵיל בְּפַקְתָּא דַּעֲרָבוֹת וּפְסָקוּהּ גַּנָּבֵי לְרֵישֵׁיהּ, הָכִי נַמִּי דְּלָא לִיטַּמֵּא לֵיהּ?

§ **Rav Ḥisda said** that **Rav said:** If **the head of his father,** or any other relative for whom a priest becomes impure, **was severed, he may not become impure to** bury **him. What is the reason** for this? **The verse states:** "None shall become impure for the dead among his people, except…**for his father**" (Leviticus 21:1–2),[N] which indicates that this applies **when** his father **is whole, and not when he is lacking. Rav Hamnuna said to** Rav Ḥisda: **If that is so,** then in a case where one **was walking in the valley** [*pakta*][L] **of Aravot,**[B] a place frequented by bandits, **and robbers severed his head,** will you **also** say that his son the priest **does not become impure to** bury **him** because he is not whole?

אֲמַר לֵיהּ: מֵת מִצְוָה קָאָמְרַתְּ? הָתָם שַׁאנֵי לוֹמַר בְּאַחֵרִינִי מִיחַיַּיב – בְּאָבִיו לֹא כָּל שֶׁכֵּן?

Rav Ḥisda **said to him:** Do **you speak** of **a corpse with no one to bury it** [*met mitzva*]**?** This *halakha* certainly does not apply to a case of this kind. For **now** consider, if **one can say** that **to** bury **others,** i.e., non-relatives, **he is obligated** to become ritually impure, as even priests and nazirites must become impure to bury an unattended corpse, then **with regard to** a *met mitzva* who is **his father** is it **not all the more so** the case that he must become impure to bury him even if his head is severed?

וְהַאי מֵת מִצְוָה הוּא? וְהָתַנְיָא: אֵיזֶהוּ מֵת מִצְוָה – כָּל שֶׁאֵין לוֹ קוֹבְרִין. קוֹרֵא וַאֲחֵרִים עוֹנִין אוֹתוֹ – אֵין זֶה מֵת מִצְוָה. וְהָא אִית לֵיהּ בְּרָא. כֵּיוָן דְּקָאָזֵיל בְּאוֹרְחָא – כְּמִי שֶׁאֵין לוֹ קוֹבְרִים דָּמֵי.

The Gemara asks: **And is this a *met mitzva*? But isn't it taught** in a *baraita*: **Which is a *met mitzva***[H] for whom a priest must become impure? It is **anyone who does not have** people **to bury him** apart from this priest. If the corpse is in a place where if **he** would **call, others would answer him,**[N] **that is not** considered **a *met mitzva*. And** if this dead father **has a son** who was with him, it means the father is not classified as a *met mitzva*, and therefore his son the priest must ensure that others tend to his burial, without doing so himself. The Gemara answers: **Since** he was **walking along the way, he is considered like one who does not have** people **to bury** him.

מֵיתִיבִי: ״לָהּ יִטַּמָּא״ – לָהּ הוּא מִטַּמֵּא, וְאֵינוֹ מְטַמֵּא לְאֵיבָרֶיהָ, לְפִי שֶׁאֵינוֹ מְטַמֵּא לְאֵבֶר מִן הַחַי שֶׁל אָבִיו. אֲבָל מַחֲזִיר הוּא עַל עֶצֶם כִּשְׁעוֹרָה.

The Gemara **raises an objection** against Rav Ḥisda's opinion. The superfluous term "for her" in the verse "And for his sister a virgin who is near to him, who has no husband, **for her he becomes impure**" (Leviticus 21:3) teaches that it is **to** bury **her** in her whole state that **he becomes impure,**[H] **but he does not become impure to** bury **her limbs.**[H] If a limb was severed from her during her lifetime he does not tend to it, **because he may not become impure to** bury **a limb** severed **from** one of his **living** relatives, including **that of** his **father. However, he may search for a bone that is a barley-grain-bulk.**[B] If he was already impure from his father's body, he may search for and bury a bone that was detached from the corpse, even if it is large enough to impart impurity itself.

מַאי מַחֲזִיר הוּא עַל עֶצֶם כִּשְׁעוֹרָה? לָאו לְמֵימְרָא דְּאִי מִיחַסַּר פּוּרְתָּא?

The Gemara asks: **What is** the meaning of: **He may search for a bone that is a barley-grain-bulk? Isn't this to say that if** the deceased father **is lacking a small** part,[N] i.e., a single bone, his son the priest becomes impure to bury him? This would contradict Rav Ḥisda's statement in the name of Rav that he becomes impure to bury his father only if he is whole.

NOTES

For his father – לְאָבִיו: The derivation is based on the fact that the verse states: "For his father," instead of: For a father. The wording indicates that he becomes impure to bury his father when he is in a whole state (Ramban; see *Keren Ora*).

If he would call, others would answer him – קוֹרֵא וַאֲחֵרִים עוֹנִין: Some commentaries explain that if people would have come to the deceased had he called out, he is not a *met mitzva*. Alternatively, he is not a *met mitzva* if the person at the point of his death asked people to bury him. If they refused to do so, it is a case of *met mitzva* (Meiri). Yet others maintain that this expression means that one who found the body can call upon the assistance of others (see Rosh). Some commentaries point out that the phrase in the Gemara: And he has a son, proves that it is referring to a hypothetical calling out by the deceased himself.

That if he is lacking a small part – דְּאִי מִיחַסַּר פּוּרְתָּא: Some commentaries maintain that he buries any bone that is a barley-grain-bulk, even if it is missing a part, and he certainly buries his father's entire body (Commentary on *Nazir*). Others add that the entire thrust of this *baraita* conflicts with Rav Ḥisda's opinion, as it indicates that a priest buries his father even if he is lacking a bone. What is more, he may even search for the bone itself (*Tosafot*). Alternatively, this source indicates that although he may not bury his father if he is missing a part, he may do so if all the bones are present, even if they are unattached. This contradicts Rav Ḥisda's opinion that a priest may not become impure for his father if his head has been severed from his body, even if it is lying nearby (Rabbi Avraham min HaHar).

LANGUAGE

Valley [*pakta*] – פַּקְתָּא: *Pakta* is a form of the Aramaic term *bakta* or *bikata*, meaning valley or plain. It is known from other sources that the valley of Aravot lacked sources of water, although this did not prevent people from living and working there.

BACKGROUND

Valley of Aravot – פַּקְתָּא דַּעֲרָבוֹת: This valley, which was apparently well-known in the Talmudic period, was a desert land which lay along the route taken by caravans. There was no drinking water there, and only in certain isolated places did people sell water brought from rivers. In addition, it was a place prone to attacks by bandits.

A bone that is a barley-grain-bulk – עֶצֶם כִּשְׁעוֹרָה: Most of the bones in an adult human body are much larger than the size of a grain of barley. However, certain small bones are similar in size and shape to a sesame seed. These bones, known as sesamoids, are found in the joints, and the one found in the knee joint is approximately the size of a grain of barley, perhaps slightly larger. Bones even smaller than these can be found in the bodies of infants and fetuses. These smaller bones also cause one who comes in contact to them to become ritually impure.

HALAKHA

Which is a *met mitzva* – אֵיזֶהוּ מֵת מִצְוָה: What is considered a *met mitzva* for whom a priest is commanded to become impure? This category includes any Jew found lying along a path, or in a city populated by gentiles, where he has no one to bury him, and the finder is unable to call upon other Jews to help with his burial. If the priest can call upon others, it is forbidden for him to become impure, and he must ask those others to handle the burial. If he cannot call upon people from where he is, it is forbidden for him to leave that place until the corpse has been buried (Rambam *Sefer Tahara*, *Hilkhot Evel* 3:8; *Shulḥan Arukh*, *Yoreh De'a* 374:3).

To bury her he becomes impure – לָהּ הוּא מִטַּמֵּא: A priest is commanded to become impure to bury his father and mother, his son and daughter from a Jewish woman, his paternal brother and unmarried sister, and his lawful wife. If he becomes impure to bury anyone else, he is liable to receive lashes (Rambam *Sefer Tahara*, *Hilkhot Evel* 2:1, 6–7 and 3:1; *Shulḥan Arukh*, *Yoreh De'a* 373:4).

But he does not become impure to bury her limbs – וְאֵינוֹ מְטַמֵּא לְאֵיבָרֶיהָ: A priest becomes ritually impure to bury his deceased relatives only if they are whole, but not to bury one of their bones or for a limb severed from a living relative (Rambam *Sefer Tahara*, *Hilkhot Evel* 2:14; *Shulḥan Arukh*, *Yoreh De'a* 373:9).

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לָא, הַהִיא רַבִּי יְהוּדָה הִיא. דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר: לָהּ מִיטַּמֵּא וְאֵינוֹ מִיטַּמֵּא לְאֵבֶרֶיהָ, שֶׁאֵינוֹ מִיטַּמֵּא עַל אֵבֶר מִן הַחַי שֶׁל אָבִיו. אֲבָל מִיטַּמֵּא הוּא לְאֵבֶר מִן הַמֵּת שֶׁל אָבִיו.

The Gemara answers: **No,** this presents no difficulty, as **that** *baraita* **is** in accordance with the opinion of **Rabbi Yehuda. As it is taught** in a *baraita* that **Rabbi Yehuda says:** "For her he becomes impure" (Leviticus 21:3), this indicates that **to** bury **her he becomes impure but he does not become impure to** bury **her limbs, as he does not become impure to** bury **a limb** severed **from** one of his **living** relatives,[N] including **that of** his **father. However, he does become impure to** bury **a limb from his dead father.** Rav Ḥisda disagrees with the opinion of Rabbi Yehuda and rules in accordance with the Rabbis, who maintain that a priest may become impure only to bury his relative's whole body.

וְהָתַנְיָא רַב כָּהֲנָא בְּרַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב: לָהּ מִיטַּמֵּא, וְאֵינוֹ מִיטַּמֵּא לְאֵבָרִים – פְּרָט לְכַזַּיִת מִן הַמֵּת, וְכַזַּיִת נֶצֶל, וּמְלֹא תַרְוָוד רָקָב.

The Gemara asks: **But isn't it taught** in a *baraita* that **Rav Kahana, son of Rabbi Eliezer ben Ya'akov,** said: The words "for her he becomes impure" (Leviticus 21:3) indicate that **to** bury **her he becomes impure** when she is whole, **but he does not become impure to** bury her **limbs.** This serves to **exclude an olive-bulk** of solid material **from a corpse, and an olive-bulk of fluid** from a corpse, **and a full spade of dust** from a corpse.

יָכוֹל לֹא יִטַּמָּא לַשִּׁדְרָה וְלַגּוּלְגּוֹלֶת, וּלְרוֹב בְּנָיָנָהּ וּלְרוֹב מְנָיָנָהּ? כְּתִיב ״וְאָמַרְתָּ אֲלֵיהֶם״ הוֹסִיף לְךָ הַכָּתוּב טוּמְאָה אַחֶרֶת.

One **might** have thought that **he may not become impure for a spine and a skull, or for most of the skeleton or most of the number** of bones from his sister's corpse. Therefore, it is **written** at the beginning of this passage dealing with the impurity of priests: "Speak to the priests, the sons of Aaron, **and say to them**" (Leviticus 21:1). The repetition of "speak" and "say" indicates that **the verse added a different** form of **impurity** permitted to a priest.

NOTES

As he does not become impure to bury a limb from one of his living relatives – שֶׁאֵינוֹ מִיטַּמֵּא עַל אֵבֶר מִן הַחַי: Some commentaries reject the standard text of the Gemara, in favor of an alternative reading, which is similar to the aforementioned statement of Rabbi Yehuda (Commentary on *Nazir*). Others accept the standard version, and explain that Rabbi Yehuda means that a priest may handle a limb of his dead father when searching for it, i.e., while he is occupied with his father's burial (Commentary on *Nazir*).

Perek **VI**
Daf **44** Amud **a**

יָכוֹל לֹא יִטַּמָּא לַשִּׁדְרָה וְלַגּוּלְגּוֹלֶת וּלְרוֹב בְּנָיָנוֹ וּלְרוֹב מְנָיָנוֹ שֶׁל אֲחֵרִים? אָמַרְתָּ: מָה אֲחוֹתוֹ מְיוּחֶדֶת, שֶׁגּוּפָהּ תָּלוּי בּוֹ, וּמִיטַּמֵּא לַשִּׁדְרָה וְלַגּוּלְגּוֹלֶת וּלְרוֹב בְּנָיָנָהּ וּלְרוֹב מְנָיָנָהּ – אַף כָּל שֶׁגּוּפוֹ תָּלוּי בּוֹ מִיטַּמֵּא לַשִּׁדְרָה וְלַגּוּלְגּוֹלֶת וּלְרוֹב בְּנָיָנוֹ וּלְרוֹב מְנָיָנוֹ!

One **might** have thought that **he may not become impure to** bury **a spine, or for a skull, or to** bury **most of the skeleton or most of the number** of bones **of other** relatives for whom a priest becomes impure. **You say** in response: **Just as his sister is unique** in **that her body is dependent upon** the brother tending to her burial, **and he becomes impure to** bury **a spine, or to** bury **a skull, or to** bury **most of her skeleton, or to** bury **most of her number** of bones, **so too,** with regard to **every** person **whose body is dependent upon him,** i.e., his other close relatives, **he becomes impure to** bury **a spine, or to** bury **a skull, or to** bury **most of his skeleton, or to** bury **most of his number** of bones. This presents a difficulty for the opinion of Rav that a priest may not become impure to bury any relative whose head has been severed.

BACKGROUND

Ginzak – גִּינְזָק: The Sages identify Ginzak as the biblical Gozan (II Chronicles 5:26); however, the location of the city is unknown. Some explain that this is the ancient city Ganzak which stood south of Lake Urmia. Others hold that it is south of the Caspian Sea, while yet others maintain that it is in the vicinity of Nahrawan. Apparently, this Jewish center was isolated from the primary Jewish centers in Babylonia but was important enough for several noteworthy Sages and leaders to visit.

HALAKHA

When he is whole – בִּזְמַן שֶׁהוּא שָׁלֵם: A priest may not become impure to bury his father or any other relative who is missing a limb of any size. He may not gather his bones, even if the spine is intact, as he may become impure only to bury a whole body. The *halakha* is in accordance with the opinion of Rav Ḥisda in the name of Rav, as Rabbi Yehoshua ben Elisha and the Elders were there with him, indicating that this is a widely held opinion. Additionally, the fact that the Gemara notes that the Sages not only maintained this opinion on a theoretical basis, but acted in accordance with this opinion, also indicates that the ruling is in accordance with this opinion. Additionally, there is no record of any *amora* who expressly disagrees with the opinion of Rav Ḥisda (*Kesef Mishne*). Some commentaries (Ramban) maintain that this *halakha* does not apply to one who was missing a limb during his lifetime (Rambam *Sefer Shofetim*, *Hilkhot Evel* 2:15; *Shulḥan Arukh*, *Yoreh De'a* 373:9).

הַהִיא נַמִּי רַבִּי יְהוּדָה הִיא. וְרַב דַּאֲמַר – כִּי הַאי תַּנָּא, דְּתַנְיָא: מַעֲשֶׂה שֶׁמֵּת אָבִיו שֶׁל רַבִּי יִצְחָק בְּגִינְזָק, וּבָאוּ וְהוֹדִיעוּהוּ לְאַחַר שָׁלֹשׁ שָׁנִים, וּבָא וְשָׁאַל אֶת רַבִּי יְהוֹשֻׁעַ בֶּן אֱלִישָׁע וְאַרְבָּעָה זְקֵנִים [שֶׁעִמּוֹ],

The Gemara answers: **That** *baraita* **also** represents the opinion of **Rabbi Yehuda. And Rav stated** his opinion **in accordance with** the opinion of **this *tanna*, as it is taught** in a *baraita*: **An incident** occurred in **which the father of Rabbi Yitzḥak** the priest **died in Ginzak,**[B] **and they came and informed him after three years** had passed, **and he came and asked Rabbi Yehoshua ben Elisha and four Elders who were with him** whether he was permitted to become ritually impure by transferring his father's remains to his ancestral grave, as was the custom.

וְאָמְרוּ: ״לְאָבִיו״ – בִּזְמַן שֶׁהוּא שָׁלֵם, וְלֹא בִּזְמַן שֶׁהוּא חָסֵר.

And they said to Rabbi Yitzḥak that the verse states: **"For his father"** (Leviticus 21:2), which indicates a priest may become impure only **when** his father **is whole,**[H] **and not when he is lacking.** After three years the father's body was certainly not whole, and therefore his son, a priest, was no longer permitted to become impure to bury him.

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מתני׳ שְׁלֹשָׁה מִינִין אֲסוּרִין בְּנָזִיר: הַטּוּמְאָה, וְהַתִּגְלַחַת, וְהַיּוֹצֵא מִן הַגֶּפֶן. חוֹמֶר בַּטּוּמְאָה וּבַתִּגְלַחַת מִבַּיּוֹצֵא מִן הַגֶּפֶן, שֶׁהַטּוּמְאָה וְהַתִּגְלַחַת – סוֹתְרִין, וְהַיּוֹצֵא מִן הַגֶּפֶן – אֵינוֹ סוֹתֵר.

MISHNA **Three types** of actions **are prohibited for a nazirite:** Contracting **ritual impurity** imparted by a corpse, **and shaving** his hair, **and** eating or drinking any substances **that emerge from the vine.** There is a greater **stricture with regard to** the prohibitions of **impurity and shaving than** that of substances **that emerge from the vine, as impurity and shaving negate**[H] his naziriteship, i.e., he must add thirty days to his term of naziriteship or start it afresh. **But** if he eats or drinks **that** which **emerges from the vine,** this **does not negate**[H] his naziriteship.

חוֹמֶר בַּיּוֹצֵא מִן הַגֶּפֶן מִבַּטּוּמְאָה וּבַתִּגְלַחַת, שֶׁהַיּוֹצֵא מִן הַגֶּפֶן – לֹא הוּתַּר מִכְּלָלוֹ, וְטוּמְאָה וְתִגְלַחַת – הוּתְּרוּ מִכְּלָלָן, בְּתִגְלַחַת מְצֹרָה וּבְמֵת מִצְוָה.

Conversely, there is a greater **stricture with regard to** substances **that emerge from the vine than** with regard to **impurity and shaving, as** in the case of products **that emerge from the vine nothing is exempted from its general prohibition**[H] in certain circumstances, i.e., there are no exceptions. **But** with regard to **impurity and shaving** certain cases **are exempted from their general prohibition.** For example, there are the cases **of obligatory shaving,**[H] e.g., a leper who was purified during his naziriteship, **and of a corpse with no one to bury it** [***met mitzva***].[H] A nazirite may tend to the burial of a *met mitzva*, despite the fact that he will thereby contract ritual impurity from a corpse.

וְחוֹמֶר בַּטּוּמְאָה מִבַּתִּגְלַחַת, שֶׁהַטּוּמְאָה סוֹתֶרֶת אֶת הַכֹּל וְחַיָּבִין עָלֶיהָ קָרְבָּן, וְתִגְלַחַת אֵינָהּ סוֹתֶרֶת אֶלָּא שְׁלֹשִׁים, וְאֵין חַיָּבִין עָלֶיהָ קָרְבָּן.

The mishna adds: **And** there is a greater **stricture with regard to impurity than** with regard to **shaving, as** a nazirite's **impurity negates all**[H] his days of naziriteship and begins his term afresh, **and he is liable to** bring **an offering for it,** before starting his new term of naziriteship. **But shaving negates only thirty**[H] days at most, **and he is not liable to** bring **an offering for it.**

גמ׳ וְטוּמְאָה לֹא תּוּתַּר מִכְּלָלָהּ, קַל וָחוֹמֶר מַיִן; וּמָה מַיִן שֶׁאֵינוֹ סוֹתֵר לֹא הוּתַּר מִכְּלָלוֹ, טוּמְאָה שֶׁסּוֹתֶרֶת – אֵינוֹ דִּין שֶׁלֹּא תּוּתַּר מִכְּלָלָהּ?

GEMARA The Gemara asks: **And** perhaps one should say that the **ritual impurity** of a nazirite **should not be exempted from its general prohibition** even for a *met mitzva*, due to **an *a fortiori*** inference **from** the prohibition of **wine: And if wine,** whose prohibition is lighter, **as it does not negate** his naziriteship, **is** nevertheless **not exempted from its general prohibition,** then with regard to **impurity,** which is stringent, **as it does negate** his naziriteship, **is it not logical that it should not be exempted from its general prohibition?**

תַּלְמוּד לוֹמַר ״לְאָבִיו וּלְאִמּוֹ...לֹא יִטַּמָּא״, לְאָבִיו וּלְאִמּוֹ לֹא יִטַּמָּא – אֲבָל מִיטַּמֵּא הוּא לְמֵת מִצְוָה.

The Gemara answers: Therefore, **the verse states,** in addition to the general prohibition: "He shall not come near to a dead body" (Numbers 6:6), that: "**For his father or his mother,** for his brother or for his sister, **he shall not become impure** when they die" (Numbers 6:7). This verse teaches that it is **to** bury **his father or for his mother** that **he may not become impure; however, he becomes impure to** bury a ***met mitzva*.**

וְיַיִן יוּתַּר מִכְּלָלוֹ, קַל וָחוֹמֶר מִטּוּמְאָה; מַה טּוּמְאָה שֶׁהִיא סוֹתֶרֶת הוּתְּרָה מִכְּלָלָהּ, יַיִן שֶׁאֵינוֹ סוֹתֵר – אֵינוֹ דִּין שֶׁיּוּתַּר מִכְּלָלוֹ? אָמַר קְרָא: ״מַיִן וְשֵׁכָר יָזִיר״ – לְאֲסוֹר יַיִן מִצְוָה בְּיַיִן רְשׁוּת.

The Gemara suggests: If so, one can make the reverse argument. **And let wine be exempted from its general prohibition** due to **an *a fortiori*** inference **from** the prohibition of **impurity: If impurity, which negates** naziriteship, is **exempted from its general prohibition;** with regard to **wine, which does not negate** naziriteship, **is it not logical that it should be exempted from its general prohibition** for the sake of a mitzva, e.g., for one who took an oath to drink wine? The Gemara answers: It is for this reason that **the verse states** with regard to a nazirite: "**He shall abstain from wine and strong drink**" (Numbers 6:3). The emphasis on the words "wine and strong drink" comes **to prohibit obligatory wine**[N] **like optional wine.**

וְיַיִן יִסְתּוֹר אֶת הַכֹּל, קַל וָחוֹמֶר מִטּוּמְאָה; מַה טּוּמְאָה שֶׁהוּתְּרָה מִכְּלָלָהּ סוֹתֶרֶת אֶת הַכֹּל, יַיִן שֶׁלֹּא הוּתַּר מִכְּלָלוֹ לֹא כָּל שֶׁכֵּן שֶׁיִּסְתּוֹר?

The Gemara further asks: **And let wine negate all** his days of naziriteship, due to **an *a fortiori*** inference **from** the prohibition of **impurity: If impurity, which is exempted from its general prohibition, negates all** of his naziriteship, then with regard to **wine, which is not exempted from its general prohibition, is it not all the more so** logical **that it should negate** his entire naziriteship?

HALAKHA

As impurity and shaving negate – שֶׁהַטּוּמְאָה וְהַתִּגְלַחַת סוֹתְרִין: A nazirite who becomes impure, whether purposely, by mistake, or even against his will, must negate his entire naziriteship. Likewise, if most of his head was shaved in any manner, even without his consent, he must add thirty days to his term of naziriteship to allow for sufficient hair growth (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:1–3).

But that which emerges from the vine does not negate – וְהַיּוֹצֵא מִן הַגֶּפֶן אֵינוֹ סוֹתֵר: A nazirite who eats or drinks any product of the vine does not negate any days of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:1).

As in the case of products that emerge from the vine nothing is exempted from its general prohibition – שֶׁהַיּוֹצֵא מִן הַגֶּפֶן לֹא הוּתַּר מִכְּלָלוֹ: A nazirite is permitted to become impure for a *met mitzva*. A nazirite who is a leper must perform the obligatory shaving of a leper. However, a nazirite is prohibited from drinking any type of wine, even for a mitzva. If one took an oath to drink wine and subsequently vowed to be a nazirite, his naziriteship goes into effect and overrides the oath. It is certainly prohibited for a nazirite to partake of wine for *kiddush* or *havdala*, as drinking wine while performing these mitzvot is obligatory only by rabbinic law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:11).

Obligatory shaving – תִּגְלַחַת מִצְוָה: A nazirite must perform obligatory shaving. In other words, if he contracts leprosy and recovers during his period of naziriteship, he is required to shave off all his hair (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:15).

A corpse with no one to bury it [*met mitzva*] – מֵת מִצְוָה: A nazirite must become impure to bury a *met mitzva*. If he walks along the way and finds a corpse in a place where no one else is available to bury it, he must become impure and tend to its burial (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:14).

As impurity negates all – שֶׁהַטּוּמְאָה סוֹתֶרֶת אֶת הַכֹּל: If a nazirite becomes ritually impure, whether purposely, by mistake, or against his will, he negates his entire naziriteship. He must shave for his impurity and bring the offerings of an impure nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:3).

But shaving negates only thirty – וְתִגְלַחַת אֵינָהּ סוֹתֶרֶת אֶלָּא שְׁלֹשִׁים: If most of a nazirite's head was shaved, he negates thirty days to enable hair growth, even if others shaved him against his will. After this period, he completes his term of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:1).

NOTES

To prohibit obligatory wine – לֶאֱסוֹר יַיִן מִצְוָה: One who took an oath to drink wine and subsequently undertook a vow of naziriteship may not drink wine, despite the fact that it was previously obligatory for him to do so.

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אָמַר קְרָא ״וְהַיָּמִים הָרִאשׁוֹנִים יִפֹּלוּ כִּי טָמֵא נִזְרוֹ״, טוּמְאָה סוֹתֶרֶת, וְאֵין הַיַּיִן סוֹתֵר.

The Gemara answers: Therefore, **the verse states: "But the former days shall be void, for his naziriteship was rendered impure"** (Numbers 6:12). The phrase "for his naziriteship was rendered impure" is apparently redundant, as it is clear from the context that the verse is referring to an impure nazirite. Rather, this teaches that only **impurity negates** his naziriteship, **and wine does not negate** it.

וְהַתְּגַלַּחַת תִּסְתְּרוּ אֶת הַכֹּל קַל וָחוֹמֶר מִטּוּמְאָה; וּמַה טּוּמְאָה שֶׁלֹּא עָשׂוּ בָּהּ מְטַמֵּא כַּמִּיטַמֵּא סוֹתֶרֶת אֶת הַכֹּל, תִּגְלַחַת שֶׁעָשׂוּ בָּהּ מְגַלֵּחַ כַּמִּתְגַּלֵּחַ – אֵינוֹ דִּין שֶׁתִּסְתְּרוּ אֶת הַכֹּל?

The Gemara continues to ask along the same lines: **And let shaving negate all** his naziriteship, due to **an *a fortiori*** inference **from** the prohibition of **impurity: And if** in the case of **impurity, in which the one who renders** another **impure is not like the one who becomes impure,**[H] i.e., one who renders a nazirite ritually impure does not perform a transgression, as only the nazirite who contracts the impurity has performed a transgression, impurity nevertheless **negates all** his naziriteship; then with regard to **shaving, in which the one who shaves is like the one who is shaved,**[H] as someone who shaves a nazirite also performs a transgression, **is it not logical that it should negate all** his naziriteship?

אָמַר קְרָא ״וְהַיָּמִים הָרִאשׁוֹנִים יִפֹּלוּ כִּי טָמֵא נִזְרוֹ״ – טוּמְאָה סוֹתֶרֶת אֶת הַכֹּל, וְאֵין תִּגְלַחַת סוֹתֶרֶת אֶת הַכֹּל.

The Gemara answers: Therefore, **the verse states: "But the former days shall be void, for his naziriteship was rendered impure"** (Numbers 6:12). The emphasis on the phrase "for his naziriteship was rendered impure" teaches that **impurity negates all, and shaving does not negate all.**

וְטוּמְאָה נַעֲשֶׂה בָּהּ מְטַמֵּא כַּמִּיטַמֵּא, קַל וָחוֹמֶר מִתִּגְלַחַת; וּמַה תִּגְלַחַת שֶׁאֵינָהּ סוֹתֶרֶת אֶלָּא שְׁלֹשִׁים עָשָׂה בָּהּ מְגַלֵּחַ כַּמִּתְגַּלֵּחַ, טוּמְאָה שֶׁהִיא סוֹתֶרֶת אֶת הַכֹּל – אֵינוֹ דִּין שֶׁנַּעֲשֶׂה בָּהּ מְטַמֵּא כַּמִּיטַמֵּא?

The Gemara suggests: **But** in that case, one can argue the opposite: With regard to **impurity, let the one who renders** another **impure be like the one who becomes impure,** due to **an *a fortiori*** inference **from** the prohibition of **shaving: If** in the case of **shaving, which negates only thirty** days, **the one who shaves is like the one who is shaved;** then, with regard to **impurity, which negates all, is it not logical that the one who renders** another **impure should be like the one who becomes impure?**

אָמַר קְרָא ״וְטִמֵּא רֹאשׁ נִזְרוֹ״ – לְמַטְמֵא רֹאשׁ נִזְרוֹ.

The Gemara responds: Therefore, **the verse states:** "And if any man dies very suddenly beside him, **and he renders impure his consecrated head"** (Numbers 6:9). This teaches that the prohibition of impurity applies only **to one who renders impure his consecrated head,**[N] but not to others who render him impure.

וְתִגְלַחַת לֹא נַעֲשֶׂה בָּהּ מְגַלֵּחַ כַּמִּתְגַּלֵּחַ, קַל וָחוֹמֶר מִטּוּמְאָה; וּמַה טּוּמְאָה שֶׁהִיא סוֹתֶרֶת אֶת הַכֹּל לֹא עָשׂוּ בָּהּ מְטַמֵּא כַּמִּיטַמֵּא, תִּגְלַחַת שֶׁאֵינָהּ סוֹתֶרֶת אֶלָּא שְׁלֹשִׁים יוֹם – לֹא כָּל שֶׁכֵּן שֶׁלֹּא נַעֲשֶׂה מְגַלֵּחַ כַּמִּתְגַּלֵּחַ?

The Gemara suggests: **But** if so, one can say the reverse: **And** with regard to **shaving, let the one who shaves not be like the one who is shaved,** due to **an *a fortiori*** inference **from** the prohibition of **impurity: And if** in the case of **impurity, which** is stringent in that it **negates all** his naziriteship, **the one who renders** another **impure is** nevertheless **not like the one who becomes impure;** then with regard to **shaving, which negates only thirty days,** is it **not all the more so** logical **that one who shaves should not be like the one who is shaved?**

אָמַר קְרָא ״תַּעַר לֹא יַעֲבוֹר עַל רֹאשׁוֹ״, קְרֵי בֵּיהּ: לֹא יַעֲבוֹר הוּא, וְלֹא יַעֲבִיר לְאַחֵר.

The Gemara answers: Therefore, **the verse states: "No razor shall come upon his head"** (Numbers 6:5). Since the verse is written in the passive, **read into** the verse that **he,** the nazirite himself, **shall not** cause a razor to **come upon**[N] his head; **and** read the verse as also referring **to** any **other** person, who **shall not** cause a razor to **come upon** the nazirite's head.

וְתִגְלַחַת לֹא תּוּתַּר מִכְּלָלָהּ, קַל וָחוֹמֶר מִיַּיִן; וּמַה יַּיִן שֶׁאֵינוֹ סוֹתֵר לֹא הוּתַּר מִכְּלָלוֹ, תִּגְלַחַת שֶׁסּוֹתֶרֶת – אֵינוֹ דִּין שֶׁלֹּא תּוּתַּר מִכְּלָלָהּ? אָמַר רַחֲמָנָא ״רֹאשׁוֹ״ וְאָמַר רַחֲמָנָא ״זְקָנוֹ״.

The Gemara asks: **And let shaving not be exempted from its general prohibition** in the case of a leper, due to **an *a fortiori*** inference **from** the prohibition of **wine: And if wine, which does not negate** naziriteship, **is not exempted from its general prohibition;** then, with regard to **shaving, which does negate** naziriteship, **is it not logical that it should not be exempted from its general prohibition?** The Gemara answers: Therefore, **the Merciful One states** with regard to a leper: "That he shall shave all his hair," and adds: "Off **his head"** (Leviticus 14:9). **And the Merciful One** further **states:** "And **his beard,"** which teaches that he shaves despite the prohibition of naziriteship.

HALAKHA

In which the one who renders another impure is not like the one who becomes impure – שֶׁלֹּא עָשׂוּ בָּהּ מְטַמֵּא כַּמִּיטַמֵּא: If one causes a nazirite to become impure, and the act was done with the intent of both he and the nazirite, the one who caused him to become impure has violated the prohibition "nor put a stumbling-block before the blind" (Leviticus 19:14), and the nazirite is flogged (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:20 and *Sefer Shofetim*, *Hilkhot Evel* 3:5).

The one who shaves is like the one who is shaved – עָשׂוּ בָּהּ מְגַלֵּחַ כַּמִּתְגַּלֵּחַ: If one intentionally, and with the consent of the nazirite, shaved a nazirite or tore out the hair from a nazirite's head, they are both liable to receive lashes (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 5:11).

NOTES

To one who renders impure his consecrated head – לְמַטְמֵא רֹאשׁ נִזְרוֹ: The verse does not state: And his consecrated head shall be rendered impure for him, or: And they render him impure for his consecrated head (Rivan; Rabbi Avraham min HaHar), but: "And he renders impure his consecrated head," which indicates that the prohibition refers only to the nazirite himself (Commentary on *Nazir*). Some commentaries maintain that this *halakha* is derived from the phrase "his consecrated head," i.e., his naziriteship in which others have no share (Rosh).

Read into it that he shall not cause a razor to come upon – קְרֵי בֵּיהּ, לֹא יַעֲבוֹר הוּא: Some commentaries explain that it is as though the verse is read in two different ways, both as: Shall not come upon [*lo ya'avor*], and: Shall not cause to come upon [*lo ya'avir*] (Commentary on *Nazir*). Others explain simply that the verse does not say: A nazirite may not shave, but is written in the passive: "No razor shall come upon," which indicates that the prohibition involves not only the nazirite himself, but anyone who performs the act, as no active party is mentioned (Rosh).

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וְתִגְלַחַת לֹא תִּסְתּוֹר בְּלָל, קַל וָחוֹמֶר מִיַּיִן; וּמַה יַּיִן שֶׁלֹּא הוּתַּר מִכְּלָלוֹ אֵינוֹ סוֹתֵר, תִּגְלַחַת שֶׁהוּתְּרָה מִכְּלָלָהּ – אֵינוֹ דִּין שֶׁלֹּא תִּסְתּוֹר? בָּעֵינַן גִּידּוּל שֵׂעָר, וְהָא לֵיכָּא.

The Gemara proposes the reverse argument: **And let shaving not negate** naziriteship **at all,** due to **an *a fortiori*** inference **from** the prohibition of **wine: And if wine, which is not exempted from its general prohibition, does not negate** naziriteship; then with regard to **shaving, which is exempted from its general prohibition, is it not logical that it should not negate** naziriteship? The Gemara answers: **We require hair growth, and there is none** at that point. Consequently, the nazirite must necessarily wait until his hair is of sufficient length to shave.

וְיַיִן יִסְתּוֹר שְׁלֹשִׁים יוֹם, קַל וָחוֹמֶר מִתִּגְלַחַת; וּמַה תִּגְלַחַת שֶׁהוּתְּרָה מִכְּלָלָהּ סוֹתֶרֶת, יַיִן שֶׁלֹּא הוּתַּר מִכְּלָלוֹ – אֵינוֹ דִּין שֶׁיִּסְתּוֹר? מִידֵּי הוּא טַעֲמָא אֶלָּא מִשּׁוּם גִּידּוּל שֵׂעָר, גַּבֵּי יַיִן – הָא קָאֵים שְׂעָרוֹ.

The Gemara asks: **And let wine negate thirty days,** due to **an *a fortiori*** inference **from** the prohibition of **shaving: And if shaving, which is exempted from its general prohibition,** nevertheless **negates** thirty days; then with regard to **wine, which is not exempted from its general prohibition, is it not logical that it should negate** thirty days? The Gemara answers: **As that reason** for the *halakha* that shaving causes a nazirite to negate thirty days is **only due to hair growth,** so that he has sufficient hair at the end of his naziriteship to shave, the *halakha* does not apply **with regard to wine,** since **his hair remains** in place. The nazirite himself has not changed, so the fact that he has drunk wine is not sufficient reason to negate any time.

Perek **VI**
Daf **44** Amud **b**

מתני׳ תִּגְלַחַת טוּמְאָה כֵּיצַד? הָיָה מַזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי, וּמְגַלֵּחַ בַּשְּׁבִיעִי, וּמֵבִיא קָרְבְּנוֹתָיו בַּשְּׁמִינִי. וְאִם גִּילַּח בַּשְּׁמִינִי – מֵבִיא קָרְבְּנוֹתָיו בּוֹ בַּיּוֹם, דִּבְרֵי רַבִּי עֲקִיבָא. אָמַר לֵיהּ רַבִּי טַרְפוֹן: מַה בֵּין זֶה לִמְצוֹרָע?

MISHNA With regard to the **shaving of ritual impurity** performed by a nazirite who became impure during his naziriteship, **how** is it performed?[H] The priest **would sprinkle** the waters of purification on him **on the third and the seventh** days after he contracted his impurity, as performed for all those who contracted impurity imparted by a corpse. **And he shaves** his hair **on the seventh** day **and brings his offerings on the eighth** day. **And if he shaved on the eighth** day **he brings his offerings on that day,** this is **the statement of Rabbi Akiva. Rabbi Tarfon said to him: What is** the difference **between this** ritual **and** that of **a leper?**[N] A leper also shaves on the seventh day and sacrifices his offerings on the eighth. However, if a leper shaves on the eighth day he brings his offerings on the ninth day, not on the day of his shaving.

אָמַר לֵיהּ: זֶה – טָהֳרָתוֹ תְּלוּיָה בְּיָמָיו, וּמְצוֹרָע טָהֳרָתוֹ תְּלוּיָה בְּתִגְלַחְתּוֹ, וְאֵינוֹ מֵבִיא קָרְבָּן אֶלָּא אִם כֵּן הָיָה מְעוֹרָב שֶׁמֶשׁ.

Rabbi Akiva **said to him: The purification of this** impure nazirite **depends on his days,** as he immerses on the seventh day like all those who contract impurity imparted by a corpse, which means he is already ritually pure on the eighth day. **But** with regard to **a leper, his purification depends on his shaving.**[H] Any immersion performed earlier is of no account, and must be repeated. **And** a leper **brings** his **offering only if**[N] **the sun has set** following his immersion. Since offerings are not sacrificed at night, the bringing of his offering is postponed until the following day.

NOTES

What is the difference between this and a leper – מַה בֵּין זֶה לִמְצוֹרָע: Most commentaries explain that a leper never brings his offerings on the day he shaves, even if it was the eighth day of his purification. Rather, on the following day he immerses and sacrifices his offerings. This is the basis for Rabbi Tarfon's question with regard to the difference between a nazirite and a leper. Rabbi Akiva answers that this difference results from the respective times suitable for their immersions. Since a leper may immerse only after he has shaved, he brings his offerings the next day.

However, other commentaries present an entirely different explanation, based on variant versions of this discussion in the *Torat Kohanim*. According to these commentaries, Rabbi Akiva maintains that even a leper who shaved on the eighth day brings his offerings on that day. Therefore, Rabbi Tarfon is not asking why there is a difference between a nazirite and a leper in this regard. Rather, Rabbi Tarfon is asking whether there is any difference at all between the two cases. Rabbi Akiva answers that there is a relevant difference for *halakha* between the purifications of a nazirite and a leper, with regard to whether this purification is merely tied to the act of shaving, as in the case of a leper, or whether it is also dependent on his days of impurity (Commentary on *Nazir*).

And he brings his offering only if – וְאֵינוֹ מֵבִיא קָרְבָּן אֶלָּא אִם כֵּן: Some commentaries maintain that the *halakha* that requires waiting until sunset applies only to a nazirite, not to a leper (Commentary on *Nazir*). Other commentaries maintain that this statement is referring to a leper, and it is the continuation of the previous ruling, as it serves to explain why a leper may bring his offerings only on the ninth day if he shaves on the eighth. It has been pointed out that even according to this interpretation one can explain that this clause of the mishna refers even to a nazirite, since a nazirite must also bring his offerings in a state of purity, after having immersed the day before, as indicated by Rava's statement in the Gemara (Rambam).

HALAKHA

The shaving of ritual impurity, how is it performed – תִּגְלַחַת טוּמְאָה כֵּיצַד: If a nazirite contracted impurity imparted by a corpse, he is sprinkled with the waters of purification on the third and seventh days of his impurity, he shaves the hair off his head on the seventh day, and he subsequently immerses on the seventh day, after the sprinkling, like anyone who contracts impurity imparted by a corpse. He then waits for sunset, and brings his offerings on the eighth day. If he shaved on the eighth day, he sacrifices his offerings on the same day. These offerings are two turtledoves or young pigeons, one for a sin-offering and the other for a burnt-offering, and a sheep in its first year for a guilt-offering. The *halakha* is in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:11).

With regard to a leper, his purification depends on his shaving – מְצוֹרָע טָהֳרָתוֹ תְּלוּיָה בְּתִגְלַחְתּוֹ: The Rambam explains that the shaving, immersion, and sprinkling of a leper are not interdependent. However, the Ra'avad points out that this ruling is the reverse of the statement of the mishna and of other sources. Therefore, some commentaries explain that although each of these activities does not invalidate the performance of the other parts of the ritual, the leper must shave in order to attain ritual purity (*Kesef Mishne*). The Rambam similarly states in *Sefer HaMitzvot*, positive mitzva 111, that the purification of a leper is complete when he shaves, and it is only at this stage that he ceases to impart impurity to the degree of a dead creeping animal (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 11:4).

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HALAKHA

In this case a nazirite who immersed on the seventh day – הָא דְּטָבַל בַּשְּׁבִיעִי: An impure nazirite who was sprinkled with the waters of purification on the third and seventh days but has not yet immersed must immerse on that day and wait until sunset. He brings his offerings on the following day (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:13).

PERSONALITIES

Rav Natan bar Hoshaya – רַב נָתָן בַּר הוֹשַׁעְיָא: A Babylonian *amora* of the second and third generation of *amora'im*, Rav Natan bar Hoshaya, also known as Rav Natan bar Oshaya, was a colleague of Rav Yehuda and Rav Ḥisda. He emigrated to Eretz Yisrael, where he became a disciple of Rabbi Yoḥanan and a colleague of Rabbi Elazar. Apparently, he lived a very long life, at the end of which he returned to Babylonia to study with the Sages of the fourth generation of *amora'im*, including Abaye. The expression: The assembly of Rav Natan, suggests that he was the head of an academy that may have endured even after his passing. Abaye engages in discussion with this assembly here.

גמ׳ קִיבְּלָהּ מִינַּיהּ אוֹ לָא? תָּא שְׁמַע, דְּתָנֵי הִלֵּל: גִּילַּח בַּשְּׁמִינִי – מֵבִיא קָרְבְּנוֹתָיו בַּתְּשִׁיעִי. וְאִי סָלְקָא דַּעְתָּךְ קִיבְּלָהּ מִינַּיהּ לֵיתֵי קָרְבְּנוֹתָיו בַּשְּׁמִינִי!

GEMARA The Gemara asks: Did Rabbi Tarfon **accept** this claim **from** Rabbi Akiva, **or** did he **not** accept it? **Come** and **hear** an answer to this from **that** which **Hillel** the *amora* **taught:** If a nazirite **shaved on the eighth** day, **he brings his offerings on the ninth. And if it should enter your mind** that Rabbi Tarfon **accepted** the claim **from** Rabbi Akiva, **let** the nazirite **bring his offerings on the eighth** day itself, in accordance with the opinion of Rabbi Akiva. Rather, this *baraita* is certainly in accordance with the opinion of Rabbi Tarfon, who remains steadfast in his rejection of Rabbi Akiva's opinion.

אֲמַר רָבָא: לָא קַשְׁיָא: הָא – דְּטָבַל בַּשְּׁבִיעִי, הָא – דְּלָא טָבַל בַּשְּׁבִיעִי.

Rava said: This is **not difficult,** i.e., it is possible that Rabbi Tarfon accepted Rabbi Akiva's opinion with regard to a nazirite who shaved on the eighth day, and there is a difference between the two statements: In **this** case of the mishna, it is referring to a nazirite **who immersed on the seventh** day,[H] which means that he is entirely pure on the eighth and can therefore bring his offerings on the same day after shaving. By contrast, in **that** case of Hillel's *baraita*, it is referring to one **who did not immerse on the seventh.** Consequently, as he immerses on the eighth day he may sacrifice his offerings only after sunset, on the ninth day.

אֲמַר אַבַּיֵי: אַשְׁכְּחִתֵּינְהוּ לְחַבְרַיָּיא דְּרַב נָתָן בַּר הוֹשַׁעְיָא דְּיָתְבִין וְקָאָמְרִין: ״וּבָא לִפְנֵי ה׳ אֶל פֶּתַח אֹהֶל מוֹעֵד וּנְתָנָם אֶל הַכֹּהֵן״, אֵימָתַי הוּא [בָּא]? בְּזְמַן שֶׁהוּא טָבַל וְעָשָׂה הֶעֱרֵב שֶׁמֶשׁ – אִין, לֹא טָבַל וְעָשָׂה הֶעֱרֵב שֶׁמֶשׁ – לָא.

§ **Abaye said: I encountered** the members of **the assembly of Rav Natan bar Hoshaya**[P] **sitting and saying** the following: The verse states with regard to a man who experiences a gonorrhea-like discharge [*zav*] who immerses on the seventh day of his purification: "And on the eighth day he shall take for himself two turtledoves or two young pigeons **and come before the Lord to the entrance of the Tent of Meeting and give them to the priest"** (Leviticus 15:14). **When** does **he come** to the courtyard to sacrifice his offerings? Only **when he has immersed** on the seventh day **and performed** the requirement to wait until **sunset.** In that case, **yes,** he brings his offerings, but if he **has not immersed and** has not **performed** the requirement to wait until **sunset, no,** he may not enter the courtyard.

אַלְמָא קָסָבַר: טְבוּל יוֹם שֶׁל זָב כְּזָב דָּמֵי.

Apparently, this *tanna* **maintains** that **one who immersed himself that day** to release himself from the status **of a *zav*[N] is considered like** an actual ***zav*.** Just as a *zav* is prohibited from entering the Levite camp in his state of impurity, the same applies to him on the day of his immersion, as he must wait until after sunset, when he is entirely pure.

אָמְרִינָא לְהוֹן אֲנָא: אֶלָּא מֵעַתָּה, גַּבֵּי נָזִיר טָמֵא נַמִּי, דִּכְתִיב ״(וְהֵבִיא אוֹתָם) אֶל הַכֹּהֵן אֶל פֶּתַח אֹהֶל מוֹעֵד״ אֵימָתַי הוּא [בָּא] – בְּזְמַן שֶׁטָּבַל וְעָשָׂה הֶעֱרֵב שֶׁמֶשׁ;

Abaye adds: Upon hearing this, **I said to** those Sages: **If that is so, with regard to an impure nazirite too, as it is written: And he shall bring them,** referring to the verse "And on the eighth day he shall bring two turtledoves or two young pigeons **to the priest, to the entrance of the Tent of Meeting"** (Numbers 6:10), this can be explained in a similar manner: **When** does **he come** to the courtyard to sacrifice his offerings? **When he has immersed** himself **and performed** the requirement to wait until **sunset.**

NOTES

One who immersed himself that day to release himself from the status of a *zav* – טְבוּל יוֹם שֶׁל זָב: As specified in the alternative versions of the text, a *zav* would come to the Gate of Nicanor, which was an entrance to the Temple courtyard that was not considered part of the camp of the Divine Presence, where one lacking atonement was not permitted to enter, but rather, was part of the Levite camp. One cannot say that the reason this *zav* who had immersed himself is prohibited from entering the Levite camp until sunset is due to the fact that one who immersed himself that day is not completely purified from his impurity, as the *halakha* is that one who immersed himself that day from the more severe impurity of a corpse is permitted to enter the Levite camp (see 45a). Rather, these Sages understood that there must be a particular stringency with regard to a *zav* who immersed himself that day, that he retains the status of a *zav* until sunset. The reason for this is that his impurity does not stem from an external source, but emerges from his own body (*Tosafot*; Rosh).

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מִכְּדִי שַׁעֲרֵי נִיקָנוֹר הֵיכָא קַיְימִין – בְּשַׁעֲרֵי לְוִיָּיה,

Abaye continues: **Now** consider **the Gate of Nicanor,**[BN] where all those lacking atonement stand to bring their offerings; **where is it located? In the gates of the Levites.** Three camps are detailed in the verses, each having its own restrictions as to who may or may not enter them (see Numbers, chapter 5). The verses speak of the camps of the Jewish people in the wilderness, and the Sages taught that the statuses of certain areas of Jerusalem corresponded to those camps. The camps in the wilderness were the Israelite camp, the Levite camp, and the camp of the Divine Presence. They correspond to Jerusalem, the Temple Mount, and the Temple itself. The Gate of Nicanor had the status of the Levite camp.

וְהָתַנְיָא: טְמֵא מֵת מוּתָּר לִיכָּנֵס בְּמַחֲנֵה לְוִיָּיה, וְלֹא טְמֵא מֵת בִּלְבַד אֶלָּא אֲפִילּוּ מֵת עַצְמוֹ, שֶׁנֶּאֱמַר ״וַיִּקַּח מֹשֶׁה אֶת עַצְמוֹת יוֹסֵף עִמּוֹ״ – מַאי ״עִמּוֹ״? עִמּוֹ בְּמַחֲנֵהוּ, עִמּוֹ בְּמַחֲנֵה לְוִיָּיה!

Abaye continues: **But isn't it taught** in a *baraita* (*Tosefta*, *Kelim* 1:8) that one who is **impure** due to contact with **a corpse is permitted**[H] **to enter the Levite camp; and not only one impure** from **a corpse, but even a corpse itself** may be brought inside the Levite camp, **as it is stated: "And Moses took the bones of Joseph with him"** (Exodus 13:19). The *baraita* explains: **What is** the meaning of **"with him"?** The phrase **"with him"** indicates that Joseph's bones were taken **within** Moses's **boundary, with him in the Levite camp.** This demonstrates that even a corpse may be brought into the Levite camp. If so, certainly a nazirite who was impure from contact with a corpse and who has been sprinkled and immersed may enter there. Consequently, the *halakha* that a nazirite must wait until the eighth day to sacrifice his offerings cannot be due to a prohibition against entering the Gate of Nicanor. One can similarly infer that the *halakha* that a *zav* who has immersed may not bring his offerings before the eighth day is not because he is prohibited from entering the Gate of Nicanor.

אֶלָּא (אָמַר אַבַּיֵי): טְבוּל יוֹם שֶׁל זָב כְּזָב דָּמֵי, וְאֲפִילּוּ הָכִי, כֵּיוָן דִּמְחוּסַּר כַּפָּרָה – לָא עָיֵיל.

Rather, Abaye says:[N] The *baraita* should be understood slightly differently than suggested by the assembly of Rav Natan bar Hoshaya: **One who immersed himself that day** to release himself from the status **of a *zav,*** i.e., a full-fledged *zav,* who experienced three emissions, not merely two, **is considered like a *zav*** with regard to the prohibition against entering the Levite camp. **But** the reason for this prohibition is not that a *zav* who immersed himself that day may not enter the Levite camp. Rather, granted that he is permitted to enter the Levite camp in terms of his impurity, **even so, since** he is **lacking atonement,** as he has yet to sacrifice his offerings, he **may not enter** the Levite camp.

BACKGROUND

The Gate of Nicanor – שַׁעֲרֵי נִיקָנוֹר: The Gate of Nicanor was famous for several reasons, including the splendid copper artistry of its doors and the miracles surrounding their arrival from Egypt (see *Yoma* 38a). This gate, situated at the entrance to the Israelite courtyard of the Temple, was often used as a standing area by people who needed to be as close as possible to the courtyard without actually entering the sanctified area.



Image of the Gate of Nicanor

HALAKHA

One who is impure due to contact with a corpse is permitted, etc. – טְמֵא מֵת מוּתָּר וכו': A corpse may be brought onto the Temple Mount, an area that corresponds to the Levite camp in the desert. This is all the more so true for one who was impure due to contact with a corpse; he may enter the Levite camp (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeḥira* 7:15 and *Hilkhot Biat HaMikdash* 3:4).

NOTES

The Gate of Nicanor – שַׁעֲרֵי נִיקָנוֹר: This gate, which was the main entrance to the Israelite courtyard from the women's courtyard in the east, did not have the sanctity of the Israelite courtyard itself. Instead, it had the lesser sanctity of the rest of the Temple Mount. Consequently, it is considered part of the Levite camp. The halakhic statuses in the configuration of the Temple were based on the encampment of the Jewish people in the wilderness, which was composed of three camps. The Israelite camp corresponds to the city of Jerusalem outside the Temple Mount and, according to many authorities, all walled cities in Eretz Yisrael. The Levite camp, the area where the Levites encamped around the Tabernacle, corresponds to the Temple Mount, with its courtyards and structures, up to the main courtyard. The camp of the Divine Presence was the Tent of Meeting in the Tabernacle, and corresponds to the Temple itself in Jerusalem, including the Israelite courtyard.

Rather, Abaye says – אֶלָּא אָמַר אַבַּיֵי: The early commentaries present various versions of this passage, which have significant implications for the passage as a whole. Most commentaries preferred a different version of the text to the one presented here. Many variant versions omit the phrase: Rather, Abaye says, and have instead: Actually (Commentary on *Nazir*), indicating that the statement: One who immersed himself that day to release himself from the status of a *zav* is like a *zav*, is the response of the assembly of Rav Natan bar Hoshaya to Abaye. In their opinion, a *zav* who immersed that day is like a *zav* with regard to all matters, and they also maintain that a nazirite cannot sacrifice his offerings before sunset if he is impure. However, they claim that the reason in both cases is not because he has not yet had the sun set following his immersion, but due to the fact that he lacks atonement. According to this opinion, although ordinary people who have contracted impurity from a corpse may enter the Levite camp, a nazirite is prohibited from doing so, as he lacks atonement until he brings his offerings of purity.

Other commentaries have a version of the texts that reads: Rather, Abaye says that one who immersed himself that day to release himself from the status of a *zav* is not like a *zav*, as he would be permitted to enter if his impurity was merely that of a *zav*. The reason that the *baraita* prohibits him from entering further than the Gate of Nicanor is that this *zav* experienced three emissions. Consequently, he is obligated to bring offerings, which means that he lacks atonement. By contrast, although a nazirite who contracts impurity imparted by a corpse is also obligated to sacrifice offerings, he is not referred to as lacking in atonement, as that term refers only to one whose impurity stems from his own body, e.g., a *zav* or a leper, not one who was rendered impure from an external source (*Tosafot*).

There are commentaries who uphold the version of the text as it stands: Rather, Abaye said, one who immersed himself that day to release himself from the status of a *zav* is considered like a *zav*, and he may not enter the camp of the Divine Presence. They explain, in a somewhat forced manner, that this does not refer to all types of *zavim*, but only to one who saw three emissions and is obligated to bring an offering. The reason that he is prohibited from entering is not his status as a *zav* but the fact that he lacks atonement (*Shita Mekubbetzet*). According to these last two interpretations, Abaye's rebuttal is based on the difference between a *zav* who saw two emissions and one who experienced three, as well as the difference between one whose impurity stems from his own body and one who was rendered impure from an external source, as explained above.

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וְאִי בְּמַחֲנֵה לְוִיָּה קָאֵי, אַמַּאי קָא קָרֵי לֵיהּ "אֹהֶל מוֹעֵד"? לְמֵימְרָא: מָה הָתָם מְחוּסַּר כַּפָּרָה לָא עָיֵיל, אַף לְמַחֲנֵה לְוִיָּה נַמִּי – מְחוּסַּר כַּפָּרָה לָא עָיֵיל.

Abaye elaborates: The reason he may not enter is that the Torah states with regard to a *zav*: "And he shall come before the Lord to the entrance of the Tent of Meeting" (Leviticus 15:14), **and if he is standing in the Levite camp,**[N] at the Gate of Nicanor, when he brings his offerings, **why does** the Torah **call it "the Tent of Meeting"?** Rather, this verse must be coming **to say: Just as there,** with regard to the Tent of Meeting itself, i.e., the camp of the Divine Presence, **one who is lacking atonement may not enter** there, **so too,** with regard to **the Levite camp as well, one who is lacking atonement may not enter** there.

וְהָתָם מְנָלַן? דְּתַנְיָא: "טָמֵא יִהְיֶה" – לְרַבּוֹת טְבוּל יוֹם. "עוֹד טֻמְאָתוֹ בּוֹ" – לְרַבּוֹת מְחוּסַּר כַּפָּרָה.

The Gemara asks: **And from where do we** derive that one who lacks atonement may not enter **there,** i.e., the camp of the Divine Presence? The Gemara answers: **As it is taught** in a *baraita*: The Torah states with regard to the prohibition against an impure person entering the Tabernacle: "He shall be impure; his impurity is yet upon him" (Numbers 19:13). The phrase "**he shall be impure**" serves **to include one who immersed himself that day**[H] in the prohibition against entering the Temple. "**His impurity is yet upon him**" serves **to include one who lacks atonement,**[H] who is prohibited from entering the camp of the Divine Presence until he has sacrificed his offerings of purity.

מתני׳ תִּגְלַחַת הַטָּהֳרָה כֵּיצַד? הָיָה מֵבִיא שָׁלֹשׁ בְּהֵמוֹת, חַטָּאת עוֹלָה וּשְׁלָמִים, וְשׁוֹחֵט אֶת הַשְּׁלָמִים וּמְגַלֵּחַ עֲלֵיהֶם, דִּבְרֵי רַבִּי יְהוּדָה. רַבִּי אֶלְעָזָר אוֹמֵר: לֹא הָיָה מְגַלֵּחַ אֶלָּא עַל הַחַטָּאת, שֶׁהַחַטָּאת קוֹדֶמֶת בְּכָל מָקוֹם. וְאִם גִּלַּח עַל אַחַת מִשְּׁלָשְׁתָּן – יָצָא.

MISHNA With regard to a nazirite's **shaving of purity**[H] after the completion of his term of naziriteship, **how** is it performed? **He would bring three animals:** One for **a sin-offering,** one for **a burnt-offering, and** one for **a peace-offering. And he slaughters the peace-offering**[NH] **and shaves** his hair **after** he slaughters **them.** This is **the statement of Rabbi Yehuda. Rabbi Elazar says: He would shave only after** he slaughtered **the sin-offering, as the sin-offering precedes** the other offerings **in all places,** and therefore he sacrifices the sin-offering first. He shaves his hair after he slaughters this offering. **And if he shaved after** the sacrifice of any **one of the three of them,**[H] **he has fulfilled** his obligation after the fact.

NOTES

And if he is standing in the Levite camp – וְאִי בְּמַחֲנֵה לְוִיָּה קָאֵי: This statement serves to explain why the Gate of Nicanor is called the entrance to the Tent of Meeting, which apparently refers to the camp of the Divine Presence (Commentary on *Nazir*).

And he slaughters the peace-offering – וְשׁוֹחֵט אֶת הַשְּׁלָמִים: Many commentaries maintain that Rabbi Yehuda says that a nazirite first slaughters the peace-offering and then shaves his hair (*Tosafot*; see Commentary on *Nazir*). However, this interpretation raises several difficulties, both with regard to the language of the Torah and the wording of the mishna, and with regard to the *halakha* itself. Others apparently maintain that everyone agrees that the animals are slaughtered in the order stated in the Torah and the mishna: First the sin-offering, then the burnt-offering, and finally the peace-offering. They disagree only over whether the shaving is linked to the sin-offering or the peace-offering (see *Tosefot Yom Tov* and *Melekhet Shlomo*).

HALAKHA

To include one who immersed himself that day – לְרַבּוֹת טְבוּל יוֹם: It is prohibited for one who immersed himself that day to enter the women's courtyard in the Temple. This *halakha* applies by rabbinic law, as by Torah law he may enter that area, which has the status of the Levite camp (Rambam *Sefer Avoda*, *Hilkhot Beit HaBeḥira* 7:17 and *Hilkhot Biat HaMikdash* 3:6).

To include one who lacks atonement – לְרַבּוֹת מְחוּסַּר כַּפָּרָה: It is prohibited for one who lacks atonement to enter the Israelite courtyard in the Temple, which corresponds to the camp of the Divine Presence in the desert. The reason is that this individual has not yet been completely purified (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 3:7).

Shaving of purity – תִּגְלַחַת הַטָּהֳרָה: Upon the completion of his term of naziriteship, the nazirite brings three animals for his shaving of purity: A male lamb for a burnt-offering, a female lamb for a sin-offering, and a ram for a peace-offering (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:1).

He slaughters the peace-offering – שׁוֹחֵט אֶת הַשְּׁלָמִים: One who completed his naziriteship in a state of purity first slaughters his sin-offering, then his burnt-offering, and finally his peace-offering, after which he shaves. The commentaries explain that this ruling is a compromise between the opinion of Rabbi Elazar, who maintains that the sin-offering takes precedence, and the opinion of Rabbi Yehuda that he shaves after the peace-offering (*Kesef Mishne*). Some authorities maintain that the two *tanna'im* do not disagree in this regard (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:2).

If he shaved after one of the three of them – וְאִם גִּילַּח עַל אַחַת מִשְּׁלָשְׁתָּן: If a nazirite shaved after slaughtering his sin-offering or burnt-offering, without waiting until after he slaughtered his peace-offering, he has fulfilled his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:2).

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רַבָּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר: הֵבִיא שָׁלֹשׁ בְּהֵמוֹת וְלֹא פֵּירֵשׁ, הָרְאוּיָה לְחַטָּאת – תִּקְרֵב חַטָּאת, לְעוֹלָה – תִּקְרֵב עוֹלָה, לִשְׁלָמִים – תִּקְרַב שְׁלָמִים.

Rabban Shimon ben Gamliel says: If a nazirite **brought three animals without specifying**[H] which of them was for which offering, the one **that is fit for a sin-offering,** i.e., a female sheep in its first year, **is sacrificed as a sin-offering;** that which is fit **for a burnt-offering,** a male sheep in its first year, **is sacrificed as a burnt-offering;** and that which is fit **for a peace-offering,** a ram, i.e., a male sheep over the age of one year, **is sacrificed as a peace-offering.**

גמ׳ תָּנוּ רַבָּנַן: ״וְגִלַּח הַנָּזִיר פֶּתַח אֹהֶל מוֹעֵד״ וגו׳ – בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר, שֶׁנֶּאֱמַר ״וְשָׁחַט פֶּתַח אֹהֶל מוֹעֵד״.

GEMARA The Gemara first addresses the opinion of Rabbi Yehuda, whose reasoning was not stated in the mishna. **The Sages taught** that when the Torah states: **“And the nazirite shall shave** his consecrated head **at the entrance to the Tent of Meeting”** (Numbers 6:18), **the verse is speaking of the peace-offering,** as the phrase “the entrance to the Tent of Meeting” alludes to a peace-offering, **as it is stated:** “And if his offering is a sacrifice of peace-offering… **and he shall slaughter it at the entrance to the Tent of Meeting”** (Leviticus 3:1–2).

אַתָּה אוֹמֵר בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר, אוֹ אֵינוֹ אֶלָּא פֶּתַח אֹהֶל מוֹעֵד מַמָּשׁ? אָמַרְתָּ: אִם כֵּן דֶּרֶךְ בְּזָיוֹן הוּא.

Do **you say the verse is speaking of the peace-offering,** i.e., that the nazirite shaves after bringing his peace-offering? **Or** perhaps **it is only** teaching that he shaves at **the actual entrance to the Tent of Meeting,** at the gate to the Sanctuary, as indicated by a literal reading of the verse? **You** can **say** in response: **If so, that is a degrading manner** of service, to shave at the entrance to the Sanctuary.

רַבִּי יֹאשִׁיָּה אוֹמֵר: אֵינוֹ צָרִיךְ, הֲרֵי אָמְרָה תּוֹרָה ״לֹא תַעֲלֶה בְמַעֲלוֹת עַל מִזְבְּחִי״ קַל וָחוֹמֶר לְדֶרֶךְ בְּזָיוֹן.

Rabbi Yoshiya says: This proof is **not necessary,**[N] **as the Torah states:** “And **you shall not ascend by steps to My altar,** so that you should not reveal your nakedness upon it” (Exodus 20:23). If the Torah is concerned about the disrespect to the altar presented by normal human behavior, then by **an *a fortiori*** inference the Torah prohibits acting **in a degrading manner** by shaving at the entrance to the Sanctuary.

[נ״א בַּמִּדְרָשׁ בְּפָרָשָׁה נָשֹׂא (דַּף מָאתַיִם אַרְבָּעִים וּשְׁנַיִם): ״וְגִלַּח הַנָּזִיר״, רַבִּי יֹאשִׁיָּה אוֹמֵר: בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר, אוֹ אֵינוֹ וכו׳, אִם כֵּן אָמְרָה תּוֹרָה ״לֹא תַעֲלֶה״ וכו׳, קַל וָחוֹמֶר לַדָּבָר שֶׁלֹּא יִגַּלַּח פֶּתַח אֹהֶל מוֹעֵד. אֶלָּא בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר.]

A different version of this derivation is stated **in the midrash to the** Torah **portion of *Naso*.** The Torah states: **“And the nazirite shall shave** his consecrated head at the entrance to the Tent of Meeting, and shall take the hair of his consecrated head and put it on the fire which is under the sacrifice of the peace-offering” (Numbers 6:18). **Rabbi Yoshiya says: The verse is speaking of the peace-offering. Or** perhaps **it is only** teaching that he shaves at the actual entrance to the Tent of Meeting? **If so, the Torah said:** “And **you shall not ascend** by steps to My altar” (Exodus 20:23). By **an *a fortiori*** inference with regard **to** this **matter** it is derived **that he should not shave** at the **entrance to the Tent of Meeting. Rather, the verse is speaking of the peace-offering.**

HALAKHA

If he brought three animals without specifying – הֵבִיא שָׁלֹשׁ בְּהֵמוֹת וְלֹא פֵּירֵשׁ: If a nazirite brought three animals without specifying which animal is for which offering, the one that is suitable for a sin-offering is for a sin-offering, the animal suitable for a burnt-offering is for a burnt-offering, and the one that is suitable as a peace-offering is sacrificed as a peace-offering (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 8:1).

NOTES

Rabbi Yoshiya says it is not necessary – רַבִּי יֹאשִׁיָּה אוֹמֵר אֵינוֹ צָרִיךְ: That is, it is not necessary to derive from here that one may not treat the Temple in a degrading manner (Commentary on *Nazir*). Some state that the first *tanna* maintains that this *halakha* is derived solely by logical reasoning, to which Rabbi Yoshiya replies that this is not necessary, as one can learn this by an *a fortiori* inference from an explicit source (Rosh).

Other commentaries maintain that these explanations are forced (*Tosafot*). They prefer the alternative version, which appears in brackets in the text, of halakhic midrash in the *Sifrei*, according to which the first *tanna* himself is Rabbi Yoshiya, who does not say: It is not necessary. Instead, he cites the verse as proof that the Torah prohibited acting in a degrading manner toward the Temple (Rabbeinu Peretz).

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רַבִּי יִצְחָק אוֹמֵר: אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר "וְלָקַח אֶת שְׂעַר רֹאשׁ נִזְרוֹ וְנָתַן עַל הָאֵשׁ" וגו' – מִי שֶׁאֵינוֹ מְחוּפָּר אֶלָּא לְקִיחָה וּנְתִינָה, יָצָא זֶה שֶׁהוּא מְחוּפָּר לְקִיחָה הֲבָאָה וּנְתִינָה.

Rabbi Yitzḥak says: It is **not necessary** to cite an indirect proof that a nazirite may not shave at the entrance to the Sanctuary, **as** the verse **states** with regard to a nazirite: **"And he shall take the hair of his consecrated head and put it on the fire** which is under the sacrifice of the peace-offering" (Numbers 6:18). The verse is referring to **one who has not yet** performed **only** the stages of **taking and placing** his shaven hair under the pot of the peace-offering, which is outside the Sanctuary. These two stages are the only ones he lacks; he does not have to do any other action. That **excludes this one,** a nazirite who shaved at the entrance to the Sanctuary, **as he has not yet** performed three actions, **taking, bringing** the hair from one sanctified area to another, **and placing** his shaven hair under the pot of the peace-offering.

אִיכָּא דְּאָמְרִי: רַבִּי יִצְחָק אוֹמֵר: בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר. אַתָּה אוֹמֵר בִּשְׁלָמִים הַכָּתוּב מְדַבֵּר, אוֹ אֵינוֹ אֶלָּא פֶּתַח אֹהֶל מוֹעֵד מַמָּשׁ? תַּלְמוּד לוֹמַר "וְלָקַח אֶת שְׂעַר רֹאשׁ נִזְרוֹ" – מָקוֹם שֶׁהָיָה מְבַשֵּׁל שָׁם הָיָה מְגַלֵּחַ.

Some say a different version of this statement. **Rabbi Yitzḥak says: The verse is referring to the peace-offering.** He clarifies his assertion: Do **you say the verse is speaking of the peace-offering, or is it** teaching **only** that he shaves at **the actual entrance to the Tent of Meeting? The verse states: "And he shall take the hair of his consecrated head** and put it on the fire which is under the sacrifice of the peace-offering" (Numbers 6:18). This indicates that in the same **place where he would cook**[H] the peace-offering, outside the courtyard, **there he would shave.**

אַבָּא חָנָן אוֹמֵר מִשּׁוּם רַבִּי אֱלִיעֶזֶר: "וְגִלַּח הַנָּזִיר...פֶּתַח אֹהֶל מוֹעֵד" – כָּל זְמַן שֶׁאֵין פֶּתַח אֹהֶל מוֹעֵד פָּתוּחַ אֵינוֹ מְגַלֵּחַ.

Abba Ḥanan says in the name of Rabbi Eliezer that the verse **"And the nazirite shall shave** his consecrated head **at the entrance to the Tent of Meeting"** (Numbers 6:18) is referring to the time rather than the place of his shaving, i.e., this verse teaches that **as long as the entrance to the Tent of Meeting is not open,**[H] **he may not shave.** He may shave only during those hours when the entrance to the Sanctuary is open.

רַבִּי שִׁמְעוֹן שְׁזוּרִי אוֹמֵר: "וְגִלַּח הַנָּזִיר...פֶּתַח אֹהֶל מוֹעֵד" – וְלֹא נְזִירָה

Rabbi Shimon Shezuri says: The phrase **"And the nazirite shall shave** his consecrated head **at the entrance to the Tent of Meeting"** does not refer to the place of his shaving. Rather, the masculine form of the word nazirite serves to emphasize that this applies to a male nazirite **and not a female nazirite.**[N] A woman does not shave her head in the Sanctuary,

HALAKHA

The place where he would cook – מָקוֹם שֶׁהָיָה מְבַשֵּׁל: Nazirites would generally shave their hair and cook their peace-offerings in a chamber in the southeast corner of the women's courtyard. This chamber is known as the nazirite's chamber (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:3).

As the entrance to the Tent of Meeting is not open – שֶׁאֵין פֶּתַח אֹהֶל מוֹעֵד פָּתוּחַ: A nazirite may shave only when the entrance to the Tent of Meeting is open. However, he does not shave at the entrance itself, as this is degrading to the Temple, as stated by Abba Ḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:3).

NOTES

And not a female nazirite – וְלֹא נְזִירָה: Some commentaries maintain that Rabbi Shimon Shezuri's statement is unrelated to those of the previous Sages. Others claim that Rabbi Shimon Shezuri disagrees with the earlier opinions, as he rules that a nazirite must shave at the actual entrance to the Tent of Meeting. He therefore states that a female nazirite does not do so, as it would be immodest for her to shave in a public place.

Perek **VI**
Daf **45** Amud **b**

שֶׁמָּא יִתְגָּרוּ בָהּ פִּרְחֵי כְהוּנָּה. אָמַר לוֹ: לְדִבְרֶיךָ, סוֹטָה תּוֹכִיחַ, דִּכְתִיב בָּהּ "וְהֶעֱמִידָהּ לִפְנֵי ה'", וְלָא חַיְישִׁינַן שֶׁמָּא יִתְגָּרוּ בָהּ פִּרְחֵי כְהוּנָּה!

lest the **young priests** [*pirḥei khehuna*][L] present **will become aroused by her** when she uncovers her hair in their presence. One of the other Sages **said to** Rabbi Shimon Shezuri: **According to your statement,** the case of a ***sota***[B] **will prove** that this is not a concern, **as it is written with regard to her: "And he shall set her before the Lord"** (Numbers 5:16), **and** yet **we are not concerned** that **perhaps** the **young priests will become aroused by her** when her hair is uncovered.

LANGUAGE

Young priests [*pirḥei khehuna*] – פִּרְחֵי כְהוּנָּה: *Kehuna* means pertaining to the priesthood. *Pirḥei* means something young and small in the process of maturation and blooming, similar to *peraḥ*, a flower. The Hebrew word *efroaḥ* and the Aramaic *pirḥata,* meaning chick, are likewise derived from the same root. Accordingly, *pirḥei khehuna* means young priests.

BACKGROUND

***Sota* – סוֹטָה:** The Torah describes the procedure governing the *sota*, a woman who is suspected of adultery by her husband (Numbers 5:11–31). First, her husband warns her in the presence of witnesses to not seclude herself with a particular man about whom he is suspicious. If she disobeys this warning and is observed alone with that man, she and her husband can no longer live together as a married couple until she has undergone the following ritual to prove her innocence.

The woman, accompanied by her husband and two Torah scholars, is taken to the Temple in Jerusalem and forced by the priests to stand in a public place while holding the special meal-offering that she is required to bring. There, she is again questioned about her behavior. If she continues to protest her fidelity and takes an oath to that effect, a scroll is brought and the curses mentioned in the Torah with regard to the *sota* are written on it. If she does not admit that she has committed adultery, the scroll is submerged in a clay vessel filled with water taken from the Temple basin and some earth from the Temple floor, and the scroll's writing is dissolved in the water. She is then forced to drink that water.

If the husband's allegation is true, then in the words of the Torah: "Her belly shall swell and her thigh shall fall away" (Numbers 5:27), until ultimately she dies from the water's curse. If she is innocent, the water will bring her the blessing of children and she is permitted to resume normal marital relations with her husband.

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אָמַר לָהֶן זוֹ כּוֹחֶלֶת וּפוֹקֶסֶת, זוֹ אֵינָהּ כּוֹחֶלֶת וּפוֹקֶסֶת.

Rabbi Shimon Shezuri **said to them:** There is a difference between a female nazirite and a *sota*. **This** one, the nazirite, **paints** her eyes **blue** [*koḥelet*][B] **and applies blush** [*fokeset*][L] to her face, and therefore there is a concern that young priests might be aroused by her appearance. By contrast, **that** one, the *sota*, **does not apply blue** eye shadow **and** does not **apply blush.** Since a *sota* is not beautified, but is made to appear wretched and looks disheveled, there is no concern that she might arouse the men.

מתני׳ הָיָה נוֹטֵל שְׂעַר רֹאשׁ נִזְרוֹ וּמַשְׁלִיךְ תַּחַת הַדּוּד, וְאִם גִּילַּח בַּמְּדִינָה – לֹא הָיָה מְשַׁלֵּחַ תַּחַת הַדּוּד. בַּמֶּה דְּבָרִים אֲמוּרִים – בְּתִגְלַחַת הַטָּהֳרָה, אֲבָל בְּתִגְלַחַת הַטּוּמְאָה לֹא הָיָה מְשַׁלֵּחַ תַּחַת הַדּוּד.

MISHNA After the nazirite shaved off his hair, **he would take the hair of his consecrated head and throw** it **under the pot** in which the peace-offering was cooked, where it would burn. **And if** the nazirite **shaved in** the rest of **the country,**[N] i.e., outside the Temple, **he would not throw**[N] the hair **under the pot. In what** case **is this statement said?** It is said **with regard to the shaving of purity. However, with regard to the shaving of impurity,** i.e., shaving that accompanied his guilt-offering and sin-offering of birds after his term of naziriteship was interrupted by impurity, **he would not throw** his hair **under the pot** in which his offerings were cooked, as the Torah stated this requirement only for a pure nazirite.

רַבִּי מֵאִיר אוֹמֵר: הַכֹּל מְשַׁלְּחִין תַּחַת הַדּוּד, חוּץ מִן הַטָּמֵא שֶׁבַּמְּדִינָה בִּלְבַד.

Rabbi Meir says: Everyone throws his hair **under the pot,** including a pure nazirite who shaved outside the Temple and an impure nazirite, **except for an impure** nazirite **who shaved in the** rest of **the country.** In that case **alone** he refrains from throwing his hair to be burned beneath his offering.

גמ׳ ״נוֹטֵל שְׂעַר רֹאשׁ נִזְרוֹ״. תָּנוּ רַבָּנַן: וְאַחַר כָּךְ נוֹטֵל אֶת הָרוֹטָב, וְנוֹתֵן עַל שְׂעַר רֹאשׁ נִזְרוֹ, וּמְשַׁלֵּחַ תַּחַת הַדּוּד שֶׁל שְׁלָמִים. וְאִם שִׁילַּח תַּחַת הַדּוּד שֶׁל חַטָּאת וְאָשָׁם – יָצָא. אָשָׁם בְּנָזִיר [טָהוֹר] מִי אִיכָּא? אֲמַר רָבָא: הָכִי קָאָמַר: וְאִם נָזִיר טָמֵא מְשַׁלֵּחַ תַּחַת הַדּוּד שֶׁל אָשָׁם – יָצָא.

GEMARA The mishna states that he would **take the hair of his consecrated head. The Sages taught: And afterward,** after cooking the peace-offering, he **takes the gravy** [*rotev*][HL] in which the offering had been cooked, **places** it **on the** shaven **hair of his consecrated head, and throws** the hair **under the pot of** his **peace-offering. And if he threw** his hair **under the pot of** the **sin-offering or** the **guilt-offering,**[H] **he has fulfilled** his obligation after the fact. The Gemara expresses surprise at this statement: **Is there a guilt-offering** brought **by a pure nazirite?** Only an impure nazirite brings a guilt-offering. **Rava said** that **this is what** the *tanna* **said,** i.e., meant: **And if an impure nazirite threw** his hair **under the pot of** the **guilt-offering, he has fulfilled** his obligation.

BACKGROUND

Paints her eyes blue [*koḥelet*] – כּוֹחֶלֶת: The eye shadow described here is kohl, apparently a black-blue color that was derived from the mineral stibnite, Sb_2S_3. This was a cosmetic prepared from ground stibnite crystals used by women to accentuate the eyes and make them appear larger.



Stibnite



Ancient kohl tube



Ancient kohl applicator

LANGUAGE

Applies blush [*pokeset*] – פּוֹקֶסֶת: From the Greek φῦκος, *fukos*, meaning red paint or cream, or in this case blush, a red cosmetic. Some claim the Greek term is derived from the Hebrew *pokh*.

Gravy [*rotev*] – רוֹטֶב: *Rotev* refers to the fat or other juices that drip from cooked meat, principally from a roast. Some commentaries explain that the equivalent term *marak* in the Bible does not refer to the sauce that one adds to meat for cooking, but to the liquid that exudes from the meat itself when cooked.

NOTES

And if he shaved in the rest of the country – וְאִם גִּילַּח בַּמְּדִינָה: As previously stated, a nazirite need not shave at the entrance to the Temple. Although it was customary for nazirites to shave and cook their peace-offerings in the nazirites' chamber in the women's courtyard, this is not obligatory. Opinions differ with regard to the meaning of the term: Rest of the country. Some maintain that it refers to anywhere in Eretz Yisrael outside the Temple, including other parts of Jerusalem (*Tosafot*). Others contend that it means only the parts of Jerusalem outside the Temple, as the nazirites were obligated to cook and eat their peace-offerings in the city (Meiri; Rabbi Ovadya Bartenura).

In the rest of the country he would not throw – בַּמְּדִינָה לֹא הָיָה מְשַׁלֵּחַ: The reason for this *halakha* is that if he were to shave outside of Jerusalem he would have to bring his hair to the Temple, and as stated previously (45a) he must perform only two actions, taking and placing, not bringing. Some commentaries explain that this is derived from a straightforward reading of the verses, which indicate that the nazirite must shave and burn his hair in the same place where the peace-offering is cooked. An alternative version reads: Would throw (Rambam; see Jerusalem Talmud). The commentaries explain that according to this version the fact that he does not bring his hair to the Temple is not a problem, as this is not an essential part of the ritual (Meiri).

HALAKHA

He takes the gravy – נוֹטֵל אֶת הָרוֹטָב: The nazirite cooks or overcooks his peace-offering. After taking gravy from the meat and placing it on the shaven hair, he throws the hair under the pot of the peace-offering (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:2).

Under the pot of the sin-offering or guilt-offering – תַּחַת הַדּוּד שֶׁל חַטָּאת וְאָשָׁם: If an impure nazirite threw his hair under the pot of his guilt-offering, or if a pure nazirite threw it under the pot of his sin-offering, he has fulfilled his obligation, as stated in the *baraita*, in accordance with the statement of Rava (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:14; 8:2).

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מְנָא הָנֵי מִילֵּי? אֲמַר רָבָא: אֲמַר קְרָא ״אֲשֶׁר תַּחַת זֶבַח הַשְּׁלָמִים״ – מִזִּבְחוֹ יִהְיֶה תַּחְתָּיו.

The Gemara asks: **From where are these matters** derived, that he must pour gravy from the offering over his hair? **Rava said** that as **the verse states:** "And he shall take the hair of his consecrated head and put it on the fire **which is under the sacrifice of the peace-offering**" (Numbers 6:18), this indicates that part **of his sacrifice must be under** the hair.[N]

וְאִם שִׁילַּח תַּחַת הַדּוּד שֶׁל חַטָּאת יָצָא, מַאי טַעְמָא? אָמַר קְרָא ״זֶבַח״ – לְרַבּוֹת אֶת הַחַטָּאת וְאָשָׁם. וְהָא אַפִּיקְתֵּיהּ לְהַאי ״זֶבַח״ מֵרוֹטֶב! אִם כֵּן לֵימָא קְרָא ״מֵרוֹטֶב הַשְּׁלָמִים״, מַאי ״זֶבַח״ – שְׁמַע מִינָּהּ לְרַבּוֹת חַטָּאת וְאָשָׁם.

With regard to the statement of the *baraita*: **And if he threw** his hair **under the pot of** the **sin-offering he has fulfilled** his obligation, the Gemara asks: **What is the reason** for this? The Gemara answers that **the verse states:** "The **sacrifice** of the peace-offering," when it could simply have stated: The peace-offering. This serves **to include the sin-offering and** the **guilt-offering,** which are also sacrifices. The Gemara asks: **But you have** already **derived** from **this** term "**sacrifice**" that he must pour part **of the gravy** of the peace-offering over his hair. The Gemara answers: **If so, let the verse say** explicitly: **From the gravy of the peace-offering. Why** does it state: "**Sacrifice**"**? Learn from here** that it serves **to include the sin-offering and** the **guilt-offering.**

וְאֵימָא כּוּלָּהּ לְחַטָּאת וְאָשָׁם הוּא דְּאָתָא! אִם כֵּן לֵימָא ״שְׁלָמִים וְזֶבַח״, מַאי ״זֶבַח הַשְּׁלָמִים״ – שְׁמַע מִינָּהּ תַּרְתֵּי.

The Gemara questions this statement from a different perspective: **And** one can **say** that this verse **comes entirely** to teach **about the sin-offering and guilt-offering,** and it does not refer to the gravy at all. The Gemara answers: **If so, let it state: Peace-offering and a sacrifice;** for **what** reason does it write: "**The sacrifice of the peace-offering**"**? Conclude two** conclusions **from** the verse.

תָּנוּ רַבָּנַן: הַכֹּל הָיוּ מְשַׁלְּחִין תַּחַת הַדּוּד, חוּץ מִטָּמֵא שֶׁגִּילַּח בַּמְּדִינָה, מִפְּנֵי שֶׁשְּׁעָרוֹ נִקְבָּר, דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: טְהוֹרִים – כָּאן וְכָאן הָיוּ מְשַׁלְּחִין, טְמֵאִים – כָּאן וְכָאן לֹא הָיוּ מְשַׁלְּחִין. וַחֲכָמִים אוֹמְרִים: הַכֹּל לֹא הָיוּ מְשַׁלְּחִין תַּחַת הַדּוּד, חוּץ מִן טָהוֹר שֶׁבַּמִּקְדָּשׁ, מִפְּנֵי שֶׁנַּעֲשָׂה בְּמִצְוָתוֹ.

§ **The Sages taught** (*Tosefta* 4:6): **All** nazirites **would throw** their hair **under the pot, except for an impure** nazirite **who shaved in** the rest of **the country, because** that one's **hair is buried.**[H] This is **the statement of Rabbi Meir. Rabbi Yehuda says: Pure** nazirites, whether they are **here or there,** inside or outside the Temple, **would throw**[H] their hair under the pot; **impure** nazirites, whether **here or there,**[H] **would not throw** it. **And the Rabbis say: None would throw** their hair **under the pot, except for a pure** nazirite **in the Temple, because** only in that case **is** the mitzva **performed properly,** as commanded by the Torah.

מתני׳ הָיָה מְבַשֵּׁל אֶת הַשְּׁלָמִים אוֹ שׁוֹלְקָן. הַכֹּהֵן נוֹטֵל אֶת הַזְּרוֹעַ בְּשֵׁלָה מִן הָאַיִל, וְחַלָּה מַצָּה אַחַת מִן הַסַּל, וּרְקִיק מַצָּה אַחַת, וְנוֹתֵן עַל כַּפֵּי הַנָּזִיר וּמְנִיפָן, וְאַחַר כָּךְ הוּתַּר הַנָּזִיר לִשְׁתּוֹת יַיִן וּלְהִטַּמֵּא לַמֵּתִים.

MISHNA The nazirite **would cook the peace-offering**[H] **or overcook it,**[N] i.e., cook it thoroughly. **The priest takes the cooked foreleg**[H] **from the ram, and one unleavened loaf from the basket, and one unleavened wafer, and places** them **on the palms of the nazirite and waves them,** as described in the Torah (Numbers 6:19–20). **And afterward the nazirite is permitted**[N] **to drink wine and to contract ritual impurity** imparted **by a corpse.**

NOTES

Part of his sacrifice must be under the hair – מִזִּבְחוֹ יִהְיֶה תַּחְתָּיו: The derivation is based on the apparently superfluous term "sacrifice," which indicates that a portion of the offering must be under the rest of it, i.e., in the fire beneath the pot (Rosh).

Overcook it [*sholkan*] – שׁוֹלְקָן: There are different opinions with regard to the meaning of this term. Some explain that *shelika* means cooking very lightly (Commentary on *Nazir*; Rabbeinu Todros), whereas others maintain the reverse, that it refers to something cooked more than the usual amount (*Tosafot*; Rosh; Rabbeinu Azriel, cited in *Shita Mekubbetzet*). In any case, everyone agrees that although *shelika* differs from regular cooking, it is still classified as cooking. Consequently, any discussion concerning cooking invariably refers to *shelika* as well.

And afterward the nazirite is permitted – וְאַחַר כָּךְ הוּתַּר הַנָּזִיר: Some commentaries maintain that this ruling, that the nazirite must finish the entire ritual before he may drink wine, is in accordance with the opinion of Rabbi Elazar (*Tosafot*; see 46a). The *Ḥazon Ish* infers from the Rambam that although the nazirite retains his nazirite status until he has completed the ritual, he is permitted in practice to drink wine and become impure from a corpse after the sprinkling of the blood of one of the offerings, as the mishna proceeds to explain.

HALAKHA

Because his hair is buried – מִפְּנֵי שֶׁשְּׁעָרוֹ נִקְבָּר: No benefit may be derived from the hair of an impure nazirite, whether he shaved inside or outside the Temple. Instead, the hair must be buried. If it is burned, its ashes are forbidden, like the ashes of all forbidden items that require burial (Rambam *Sefer Avoda*, *Hilkhot Pesulei HaMukdashin* 19:11, 13–14).

Here or there they would throw – כָּאן וְכָאן הָיוּ מְשַׁלְּחִין: A pure nazirite throws his hair under the pot, whether he shaved inside or outside the Temple, as maintained by both Rabbi Yehuda and Rabbi Meir, in accordance with the Rambam's version of the mishna (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:3 and *Kesef Mishne* there).

Impure nazirites here or there – טְמֵאִים כָּאן וְכָאן: An impure nazirite need not throw his hair under the fire after he shaves, in accordance with the opinion of Rabbi Yehuda and the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:14).

Cook the peace-offering, etc. – מְבַשֵּׁל אֶת הַשְּׁלָמִים וכו׳: A nazirite may cook or overcook his peace-offering, as he chooses (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:2).

Takes the cooked foreleg, etc. – נוֹטֵל אֶת הַזְּרוֹעַ בְּשֵׁלָה וכו׳: The priest takes the cooked foreleg from the ram of the peace-offering, one unleavened loaf, and one unleavened wafer from the basket and places them on the palms of the male or female nazirite, together with the breast, thigh, and sacrificial parts of the offering. He then places his hands under those of the nazirite and waves the items. After this has been performed, the nazirite is permitted to drink wine and to contract impurity imparted by a corpse (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:4 and *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 9:9).

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רַבִּי שִׁמְעוֹן אוֹמֵר: כֵּיוָן שֶׁנִּזְרַק עָלָיו אֶחָד מִן הַדָּמִים – הוּתַּר הַנָּזִיר לִשְׁתּוֹת בַּיַּיִן וְלִהִיטַּמֵּא לַמֵּתִים.

Rabbi Shimon says: Once the blood of **one** of the offerings **has been sprinkled on** the nazirite's **behalf,**[H] **the nazirite is permitted to drink wine and to contract ritual impurity** imparted **by a corpse.** The rest of the ritual is not indispensable for his purification.

גמ׳ תָּנוּ רַבָּנַן: ״וְאַחַר יִשְׁתֶּה הַנָּזִיר יָיִן״ אַחַר הַמַּעֲשִׂים כּוּלָּן, דִּבְרֵי רַבִּי אֱלִיעֶזֶר. וַחֲכָמִים אוֹמְרִים: אַחַר מַעֲשֶׂה יְחִידִי.

GEMARA **The Sages taught:** It states at the end of the passage dealing with naziriteship: **"And after that the nazirite may drink wine"** (Numbers 6:20), which means **after all the actions,** i.e., after he has sacrificed all the offerings and shaved, thereby completing the entire ritual of a nazirite. This is **the statement of Rabbi Eliezer. And the Rabbis say: After a single action.** He may drink wine after sacrificing one offering, even if he has yet to shave, as shaving is not indispensable for being permitted to drink wine.

מַאי טַעֲמַיְיהוּ דְּרַבָּנַן? כְּתִיב הָכָא ״וְאַחַר יִשְׁתֶּה הַנָּזִיר יָיִן״ וּכְתִיב הָתָם ״אַחַר הִתְגַּלְּחוֹ אֶת נִזְרוֹ״, מָה הָתָם אַחַר מַעֲשֶׂה יְחִידִי, אַף כָּאן – אַחַר מַעֲשֶׂה יְחִידִי.

The Gemara clarifies: **What is the reason of the Rabbis? It is written here: "And after that the nazirite may drink wine," and it is written there,** in the previous verse: "And the priest shall take the cooked foreleg…and place it on the palms of the nazirite **after he has shaven his naziriteship"** (Numbers 6:19). It is derived by verbal analogy: **Just as there** the term "after" means **after a single action,** i.e., shaving, **here too,** the term "after" means **after a single action,** sacrificing one offering.

אֵימָא עַד דְּאִיכָּא תַּרְוַויְיהוּ! אִי הָכִי, גְּזֵירָה שָׁוָה לָמָּה לִי?

The Gemara asks: Perhaps one can **say** that a nazirite is not permitted to drink wine **until there are both** actions, i.e., sacrificing an offering and shaving, as implied by a straightforward reading of the verse. The Gemara answers: **If so, why do I** need this **verbal analogy?** It must be teaching that a nazirite can drink wine after the performance of a single action.

אָמַר רַב: תְּנוּפָה בְּנָזִיר מְעַכֶּבֶת. אַלִּיבָּא דְּמַאן? אִילֵימָא אַלִּיבָּא דְּרַבָּנַן – תִּגְלַחַת אָמְרִי רַבָּנַן לָא מְעַכְּבָא, תְּנוּפָה מִיבָּעְיָא?!

§ **Rav said:** The priest's lack of **waving** of the offering **of a nazirite precludes** the release of the prohibitions of his naziriteship. The Gemara asks: **According to whose opinion** did Rav state this *halakha*? **If we say** that he spoke **in accordance with** the opinion **of the Rabbis,** this is difficult, as **the Rabbis say** that even lack of **shaving does not preclude** the completion of his naziriteship. **Is** it **necessary,** then, to state that **waving,**[H] which is not indispensable in the case of other offerings, is not essential for the ritual of a nazirite?

אֶלָּא אַלִּיבָּא דְּרַבִּי אֱלִיעֶזֶר – פְּשִׁיטָא, הָאָמַר רַבִּי אֱלִיעֶזֶר: אַחַר מַעֲשִׂים כּוּלָּם! מַהוּ דְּתֵימָא: כֵּיוָן דְּלִעְנַיַן כַּפָּרָה שָׁיְירִי מִצְוָה הִיא, הָכָא נַמִי לָא תִּעַכֵּב, קָא מַשְׁמַע לָן.

Rather, will you say that it is **in accordance with** the opinion **of Rabbi Eliezer,** who permits a nazirite to drink wine only after he has completed the entire ritual? This **is obvious; didn't Rabbi Eliezer say** that he is permitted to drink wine only **after all the actions** are completed? The Gemara answers that the statement is necessary, **lest you say: Since with regard to** the **atonement** effected by all other offerings, waving **is** considered **a peripheral aspect of the mitzva,** i.e., one achieves atonement even if he did not perform the ritual of waving, **here too** its lack **does not preclude** the release of a nazirite's prohibitions. Rav therefore **teaches us** that according to the opinion of Rabbi Eliezer waving is essential in the case of a nazirite.

HALAKHA

Once the blood of one of the offerings has been sprinkled on his behalf – כֵּיוָן שֶׁנִּזְרַק עָלָיו אֶחָד מִן הַדָּמִים: As soon as the blood of one of a nazirite's offerings has been sprinkled on his behalf, he is permitted to drink wine and to contract ritual impurity imparted by a corpse. His shaving is not an indispensable feature of his ritual, in accordance with the opinion of Rabbi Shimon and the Rabbis (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:5).

Is it necessary to state that waving – תְּנוּפָה מִיבָּעְיָא: Even if the priest did not place the items on the nazirite's palms and did not wave them, this requirement is peripheral to the mitzva, i.e., it is not essential to the ritual. Consequently, he is no longer bound by the prohibitions of naziriteship as soon as the blood of one of his offerings has been sprinkled (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:5).

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HALAKHA

Whether he has palms, etc. – בֵּין שֶׁיֵּשׁ לוֹ כַּפַּיִם וכו׳: If a nazirite lacks palms, or if he was entirely bald, nevertheless he may sacrifice his offerings, despite the fact that he cannot wave or shave, respectively (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:5).

An entirely bald nazirite – נָזִיר מְמוֹרָט: An entirely bald nazirite does not have to pass a razor over his head. The *halakha* follows Beit Hillel, in accordance with the *Tosefta* and the Gemara in tractate *Yoma* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:5).

Does not have a thumb, etc. – אֵין לוֹ בֹּהֶן יָד וכו׳: A leper who is missing his right thumb, the big toe of his right foot, or his right ear can never be ritually purified, in accordance with the opinion of Rabbi Eliezer (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 5:1).

NOTES

He has no remedy – אֵין לוֹ תַּקָּנָה: In other words, Rabbi Eliezer, who holds that shaving is essential to the ritual, maintains that this nazirite cannot perform the purification rite at all. According to the Rabbis, Beit Shammai mean that he has no way of remedying this particular mitzva of shaving (*Tosafot*).

וּמִי מְעַכְּבָא? וְהָתַנְיָא: ״זֹאת תּוֹרַת הַנָּזִיר״ – בֵּין שֶׁיֵּשׁ לוֹ כַּפַּיִם בֵּין שֶׁאֵין לוֹ כַּפַּיִם.

The Gemara raises a difficulty against Rabbi Eliezer's opinion: **And does** a lack of waving **preclude** the performance of the purification ritual of a nazirite? **But isn't it taught** in a *baraita* (*Tosefta* 1:5): The inclusive phrase: **"This is the law of the nazirite,"** (Numbers 6:21) teaches that all nazirites are bound by the same *halakha*, **whether he has palms,**[H] or **whether he does not have palms.** Since one who is lacking palms certainly cannot wave, this indicates that waving is not essential.

וְאֶלָּא הָא דְּתַנְיָא: ״זֹאת תּוֹרַת הַנָּזִיר״ – בֵּין שֶׁיֵּשׁ לוֹ שֵׂעָר בֵּין שֶׁאֵין לוֹ שֵׂעָר, הָכִי נַמִּי דְּלָא מְעַכְּבָא? וְהָתַנְיָא: נָזִיר מְמוֹרָט, בֵּית שַׁמַּאי אוֹמְרִים: אֵינוֹ צָרִיךְ לְהַעֲבִיר תַּעַר עַל רֹאשׁוֹ, וּבֵית הִלֵּל אוֹמְרִים: צָרִיךְ לְהַעֲבִיר תַּעַר עַל רֹאשׁוֹ.

The Gemara refutes this proof: **But** what about **that which is taught** in a similar *baraita* (*Tosefta* 1:5): **"This is the law of the nazirite" whether he has hair** or **whether he does not have hair; so too,** will you explain that lack of shaving does **not preclude** the ritual in the case of one who has no hair? **But isn't it taught** in a *baraita* (*Tosefta* 1:6): With regard to an entirely **bald nazirite,**[H] who cannot shave his hair with a razor as required, **Beit Shammai say: He need not pass a razor over his head, and Beit Hillel say: He must pass a razor over his head.**

וַאֲמַר רָבִינָא: מַאי ״אֵינוֹ צָרִיךְ״ לְבֵית שַׁמַּאי – אֵינוֹ צָרִיךְ אֵין לוֹ תַּקָּנָה, הָא לְבֵית הִלֵּל – יֵשׁ לוֹ תַּקָּנָה.

And Ravina said: What is the meaning of the term: **Need not,** stated **by Beit Shammai?** It means that **he need not** shave, and **he has no remedy,**[N] and he has no way to complete his naziriteship. This indicates that **according to Beit Hillel he does have a remedy,** i.e., he can pass a razor over his head and thereby fulfill the mitzva, despite the fact that he does not have any hair. Similarly, one can say that Rabbi Eliezer holds that waving is indispensable, and when the baraita states: Whether he has palms or whether he does not have palms, could mean that waving is indispensable.

וְהַיְינוּ דְּרַבִּי פְּדָת. דְּאָמַר רַבִּי פְּדָת: בֵּית שַׁמַּאי וְרַבִּי אֱלִיעֶזֶר אָמְרוּ דָּבָר אֶחָד.

The Gemara adds: **And this** interpretation, that Beit Shammai and Rabbi Eliezer maintain one who is unable to perform the action mandated by the Torah has no remedy and cannot complete his naziriteship, **is** in accordance with a statement **of Rabbi Pedat. As Rabbi Pedat said: Beit Shammai and Rabbi Eliezer said the same thing,** i.e., they follow the same principle.

מַאי רַבִּי אֱלִיעֶזֶר? דְּתַנְיָא: אֵין לוֹ בֹּהֶן יָד וְרֶגֶל – אֵין לוֹ טָהֳרָה עוֹלָמִית, דִּבְרֵי רַבִּי אֱלִיעֶזֶר. רַבִּי שִׁמְעוֹן אוֹמֵר: יַנִּיחֶנּוּ עַל מְקוֹמוֹ וְיֵצֵא, וַחֲכָמִים אוֹמְרִים: יַנִּיחַ עַל שֶׁל שְׂמֹאל וְיֵצֵא.

To **what** statement of **Rabbi Eliezer** is Rabbi Pedat referring? **As it is taught** in a *baraita*: A leper who **does not have a thumb**[H] **or big toe,** upon both of which he must place the blood and oil of his purification ritual (Leviticus 14:14) can **never** attain **ritual purity.** This is **the statement of Rabbi Eliezer. Rabbi Shimon says:** The priest **puts it on the spot** of the missing thumb, **and** the leper thereby **fulfills** his obligation. **The Rabbis say: Let him put it on the left** thumb **and** thereby **fulfill** his obligation. According to Rabbi Pedat, Rabbi Eliezer and Beit Shammai both maintain that if the ritual cannot be performed in the precise manner delineated, one cannot fulfill his obligation and has no remedy. This is one version of the discussion.

לִישָׁנָא אַחֲרִינָא אָמְרִי לָהּ, אָמַר רַב: תְּנוּפָה בְּנָזִיר מְעַכֶּבֶת. אַלִּיבָּא דְּמַאן? אִילֵימָא אַלִּיבָּא דְּרַבִּי אֱלִיעֶזֶר – פְּשִׁיטָא, דְּאָמַר רַבִּי אֱלִיעֶזֶר: אַחַר מַעֲשִׂים כּוּלָּם! אֶלָּא אַלִּיבָּא דְּרַבָּנַן – הָשְׁתָּא יֵשׁ לוֹמַר תִּגְלַחַת אָמְרִי רַבָּנַן לָא מְעַכְּבָא, תְּנוּפָה מִיבָּעְיָא?!

The Gemara cites **another version** of this discussion. **Some say** that **Rav said:** The priest's lack of **waving** of the offering **of a nazirite precludes** the release of the prohibitions of his naziriteship. The Gemara asks: **According to whose** opinion did he state this *halakha*? **If we say** that he spoke **in accordance with** the opinion **of Rabbi Eliezer,** this **is obvious; didn't Rabbi Eliezer say** that he is permitted to drink wine only **after all** his **actions,** including waving? **Rather,** you will say that Rav spoke **in accordance with** the opinion **of the Rabbis.** However, this too is puzzling: **Now** that **one can say** that with regard to **shaving,** a central part of the naziriteship ritual, **the Rabbis say** that its omission **does not preclude** the fulfillment of his ritual, **is** it **necessary** to state that **waving** is not essential?

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וּמִי לָא מְעַכְּבָא? וְהָתַנְיָא: ״זֹאת תּוֹרַת הַנָּזִיר״, בֵּין שֶׁיֵּשׁ לוֹ כַּפַּיִם וּבֵין שֶׁאֵין לוֹ כַּפַּיִם! וְאֶלָּא הָא דְּתַנְיָא: ״זֹאת תּוֹרַת הַנָּזִיר״ – בֵּין שֶׁיֵּשׁ לוֹ שֵׂעָר וּבֵין שֶׁאֵין לוֹ שֵׂעָר, הָכִי נַמִי דִּמְעַכְּבָא?

The Gemara asks: **And doesn't** the lack of waving **preclude** a nazirite's ritual? **But isn't it taught** in a *baraita* (*Tosefta* 1:5): The inclusive phrase: **"This is the law of the nazirite,"** teaches that **whether he has palms** or **whether he does not have palms** waving is always required, and a nazirite is not exempted by a lack of palms. The Gemara questions this interpretation of the *baraita*. **But** what about **that which is taught** in the same *baraita* (*Tosefta* 1:5): **"This is the law of the nazirite," whether he has hair or whether he does not have hair; so too,** will you say **that** the lack of shaving **precludes** his ritual?

וְהָתַנְיָא: נָזִיר מְמוֹרָט, בֵּית שַׁמַּאי אוֹמְרִים: אֵינוֹ צָרִיךְ לְהַעֲבִיר תַּעַר עַל רֹאשׁוֹ, וּבֵית הִלֵּל אוֹמְרִים: צָרִיךְ! אָמַר רַבִּי אָבִינָא: מַאי צָרִיךְ לְבֵית הִלֵּל – צָרִיךְ וְאֵין לוֹ תַּקָּנָה,

But isn't it taught in a *baraita* (*Tosefta* 1:6): With regard to an entirely **bald nazirite, Beit Shammai say: He need not pass a razor over his head, and Beit Hillel say: He must** pass a razor over his head. This *baraita* indicates that even according to the opinion of Beit Hillel a nazirite does not have to actually shave. **Rabbi Avina said: What is** the meaning of: **He must,** as stated **by Beit Hillel?** It means that **he must** shave, and if he fails to do so **he has no remedy,**[N] and can never drink wine.

לְבֵית שַׁמַּאי – יֵשׁ לוֹ תַּקָּנָה. וּפְלִיגָא דְּרַבִּי פְּדָת.

Conversely, **according to** the opinion of **Beit Shammai he has a remedy,** as he does not have to use a razor at all. **And** this interpretation **disagrees** with the opinion of **Rabbi Pedat.** Rabbi Pedat claims that both Beit Shammai and Rabbi Eliezer maintain that if the ritual cannot be performed in the precise manner delineated, one cannot fulfill his obligation and has no remedy. By contrast, Rabbi Avina contends that Beit Shammai exempt the nazirite from this obligation, while Beit Hillel say that he has no remedy.

מתני׳ גִּילַּח עַל הַזֶּבַח וְנִמְצָא פָּסוּל – תִּגְלַחְתּוֹ פְּסוּלָה, וּזְבָחָיו לֹא עָלוּ לוֹ. גִּילַּח עַל הַחַטָּאת שֶׁלֹּא לִשְׁמָהּ, וְאַחַר כָּךְ הֵבִיא קָרְבְּנוֹתָיו לִשְׁמָן – תִּגְלַחְתּוֹ פְּסוּלָה, וּזְבָחָיו לֹא עָלוּ לוֹ. גִּילַּח עַל הָעוֹלָה אוֹ עַל הַשְּׁלָמִים שֶׁלֹּא לִשְׁמָן, וְאַחַר כָּךְ הֵבִיא קָרְבְּנוֹתָיו לִשְׁמָן – תִּגְלַחְתּוֹ פְּסוּלָה, וּזְבָחָיו לֹא עָלוּ לוֹ.

MISHNA As taught earlier (45a) the nazirite shaves after having brought one, or all, of his offerings. This mishna discusses what the *halakha* is if the offering was found to be invalid after the nazirite had shaved. If a nazirite **shaved** based **upon the** requisite **offering, and** afterward the offering **was found** to be **invalid**[H] for any reason, **his shaving is invalid and his offerings do not count**[N] toward the fulfillment of **his** obligation. If he **shaved** based **upon the sin-offering, that** was found to have been sacrificed **not for its own sake,**[H] which invalidates the offering, **and afterward he brought his** other **offerings for their own sake, his shaving is invalid and his** other **offerings do not count** toward the fulfillment of **his** obligation. If he **shaved** based **upon the** requisite **burnt-offering**[H] **or** having **brought the** requisite **peace-offering,** and **these** were offered **not for their own sake, and afterward he brought his** remaining **offerings for their own sake, his shaving is invalid and his offerings do not count** toward the fulfillment of **his** obligation.

רַבִּי שִׁמְעוֹן אוֹמֵר: אוֹתוֹ הַזֶּבַח לֹא עָלָה לוֹ, אֲבָל שְׁאָר זְבָחִים עָלוּ. וְאִם גִּילַּח עַל שְׁלָשְׁתָּן וְנִמְצָא אֶחָד מֵהֶן כָּשֵׁר – תִּגְלַחְתּוֹ כְּשֵׁרָה, וְיָבִיא שְׁאָר זְבָחִים.

Rabbi Shimon says: In the case of one who shaved based upon a burnt-offering or a peace-offering that was sacrificed not for its own sake, **that offering,** which was performed incorrectly, **does not count** toward the fulfillment of **his** obligation; **however,** his **other offerings do count. And** everyone agrees that **if he shaved** based **upon all three of them,**[H] i.e., he brought all three offerings, without specifying which offering he is basing his shaving upon, **and** even **one of them was found valid, his shaving is valid, but he must bring** the **other offerings** in order to fulfill his obligation.

גמ׳ אָמַר רַב אַדָּא בַּר אַהֲבָה: זֹאת אוֹמֶרֶת: קָסָבַר רַבִּי שִׁמְעוֹן: נָזִיר שֶׁגִּילַּח עַל שַׁלְמֵי נְדָבָה – יָצָא. מַאי טַעֲמָא – דְּאָמַר קְרָא ״וְנָתַן עַל הָאֵשׁ אֲשֶׁר תַּחַת זֶבַח הַשְּׁלָמִים״, וְלָא כָּתַב ״עַל שְׁלָמָיו״.

GEMARA **Rav Adda bar Ahava said: That is to say** that **Rabbi Shimon maintains** that **a nazirite who shaved** based **upon voluntary peace-offerings has fulfilled** his obligation. A peace-offering that was sacrificed not for its own sake does not count toward the fulfillment of one's obligation but is considered a voluntary gift-offering. It is clear from the mishna that Rabbi Shimon maintains that shaving based upon any valid offering, even a peace-offering of this type, is effective. **What is the reason** for this? It is **as the verse states: "And put it on the fire which is under the sacrifice of the peace-offering"** (Numbers 6:18), **and it is not written: On his peace-offering.** This indicates that he fulfills his obligation with any type of peace-offering.

NOTES

Beit Hillel means that he must and he has no remedy – בֵּית הִלֵּל, צָרִיךְ וְאֵין לוֹ תַּקָּנָה: According to this interpretation, the Rabbis agree with Beit Hillel that waving is similar to the indispensable task of shaving. Consequently, one who lacks palms has no way of resolving this issue and completing his naziriteship.

And his offerings do not count, etc. – וּזְבָחָיו לֹא עָלוּ וכו׳: Many commentaries explain that even the offerings he sacrifices later do not count toward his obligation, as he is required to observe another term of naziriteship, having shaved before sacrificing any of his offerings. It is as though he has brought the offerings during the middle of his naziriteship term (*Tosafot*). Others maintain that this refers only to the offerings he sacrificed before he became aware of the invalidation (*Shita Mekubbetzet*).

HALAKHA

If he shaved based upon the offering and it was found invalid – גִּילַּח עַל הַזֶּבַח וְנִמְצָא פָּסוּל: If a nazirite shaved based upon a peace-offering that was later discovered to be invalid, his shaving is invalid. It is considered as though he shaved during his term of naziriteship, and he must therefore add thirty days to it. Likewise, his offerings do not count toward fulfilling his obligation. He must bring his naziriteship offerings again, after observing the additional thirty days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:8, 11).

If he shaved based upon the sin-offering that was sacrificed not for its own sake – גִּילַּח עַל הַחַטָּאת שֶׁלֹּא לִשְׁמָהּ: If a nazirite shaved based upon a sin-offering that was later found to have been sacrificed not for its own sake, then even if he subsequently sacrificed the burnt-offering and peace-offering in the proper manner his shaving is invalid and his offerings do not count toward fulfilling his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:8, 11).

If he shaved based upon the burnt-offering, etc. – גִּילַּח עַל הָעוֹלָה וכו׳: If a nazirite shaved based upon his burnt-offering or peace-offering and later they were discovered to have been sacrificed not for their own sake, then even if he sacrificed the other offerings in the proper manner his shaving is invalid and his offerings do not count toward fulfilling his obligation (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:9).

If he shaved based upon all three of them – גִּילַּח עַל שְׁלָשְׁתָּן: If a nazirite shaved based upon his three offerings, his shaving is valid even if only one of them was sacrificed for its own sake. However, he must bring his other offerings and sacrifice them in the proper manner (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 8:10).

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NOTES

And be purified – וְיִטְהַר: In the Jerusalem Talmud this is understood to mean that he brings his offerings after he is purified, an explanation which is accepted by most commentaries. Others conclude that as the Torah requires a nazirite, not a former nazirite, to bring offerings in a state of purity, the nazirite can send his offerings with a messenger who is ritually pure (Rid). According to this opinion, the mishna's statement is straightforward: He brings his offerings and afterward becomes purified.

HALAKHA

Let him bring the rest of his offerings and be purified – יָבִיא שְׁאָר קָרְבְּנוֹתָיו וְיִטְהַר: If the blood of one of a nazirite's offerings was sprinkled on his behalf and he subsequently contracted impurity, he does not negate any of his naziriteship. Instead, he brings the rest of his offerings once he is purified (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:4).

LANGUAGE

Of Tarmod [*Tarmodit*] – תַּרְמוֹדִית: A Tarmodit, or Tadmorit, refers to someone from the oasis city of Tadmor, also known as Palmyra, located in Syria. The Bible relates that King Solomon built and fortified this city (I Kings 9:18). Apparently there was a Jewish community there from at least the days of the Second Temple and into the talmudic period.



Ruins of Palmyra

מתני׳ מִי שֶׁנִּזְרַק עָלָיו אֶחָד מִן הַדָּמִים וְנִטְמָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: סוֹתֵר אֶת הַכֹּל, וַחֲכָמִים אוֹמְרִים: יָבִיא שְׁאָר קָרְבְּנוֹתָיו וְיִטְהַר. אָמְרוּ לוֹ: מַעֲשֶׂה בְּמִרְיָם הַתַּרְמוֹדִית שֶׁנִּזְרַק עָלֶיהָ אֶחָד מִן הַדָּמִים, וּבָאוּ וְאָמְרוּ לָהּ עַל בִּתָּהּ שֶׁהָיְתָה מְסוּפֶּנֶת, וְהָלְכָה וּמָצְאָה שֶׁמֵּתָה, וְאָמְרוּ חֲכָמִים: תָּבִיא שְׁאָר קָרְבְּנוֹתֶיהָ וְתִטְהַר.

MISHNA With regard to **one on whose behalf the blood of one** of his nazirite offerings **was sprinkled** on the altar, **and he became ritually impure** before bringing the rest of his offerings, **Rabbi Eliezer says:** His impurity **negates the entire** tally, and he remains a nazirite. **And the Rabbis say: Let him bring the rest of his offerings and be purified.**[NH] The Rabbis **said to** Rabbi Eliezer: **An incident** occurred **involving Miriam of Tarmod**[L] who was a nazirite, **that the blood of one** of her offerings **was sprinkled on her behalf, and they came and told her that her daughter was mortally ill. And she went and found** that her daughter **was dead,** and thereby contracted impurity. **And the Rabbis said: Let her bring the rest of her offerings and be purified.**

גמ׳ קָתָנֵי: רַבִּי אֱלִיעֶזֶר אוֹמֵר סוֹתֵר אֶת הַכֹּל, וְהָאָמַר רַבִּי אֱלִיעֶזֶר: כָּל אַחַר מְלֹאת – שִׁבְעָה סוֹתֵר! אֲמַר רַב: מַאי "סוֹתֵר" נָמֵי דְּקָאָמַר רַבִּי אֱלִיעֶזֶר – סוֹתֵר קָרְבְּנוֹתָיו.

GEMARA It **is taught** in the mishna: **Rabbi Eliezer says** that this **negates the entire** tally. The Gemara asks: **But didn't Rabbi Eliezer say** (16b): With regard to **any** nazirite who became ritually impure **after the completion** of his term, this **negates** only **seven days. Rav said: What** does: **Negates, that Rabbi Eliezer said** in the mishna here mean? It means that his impurity **negates** all **his offerings.** Rabbi Eliezer did not mean that the nazirite must count his entire term of naziriteship afresh; rather, he must bring all his offerings a second time, including the one whose blood was sprinkled before he became impure.

הָכִי נַמִּי מִסְתַּבְּרָא, דְּקָתָנֵי: וַחֲכָמִים אוֹמְרִים: תָּבִיא שְׁאָר קָרְבְּנוֹתֶיהָ וְתִטְהַר, שְׁמַע מִינָּהּ.

The Gemara comments: **So too, it is reasonable** that this is the meaning of Rabbi Eliezer's statement, **as** the mishna later **teaches: And the Rabbis said: Let her bring the rest of her offerings and be purified. Learn from here** that they disagree only with regard to the offerings, but not the naziriteship itself.

וּמַעֲשֶׂה נַמִּי בְּמִרְיָם הַתַּרְמוֹדִית שֶׁנִּזְרַק עָלֶיהָ אֶחָד מִן הַדָּמִים וּבָאוּ וְהוֹדִיעוּהָ עַל בִּתָּהּ שֶׁהָיְתָה מְסוּפֶּנֶת, וְהָלְכָה וּמָצְאָה שֶׁמֵּתָה, וְאָמְרוּ חֲכָמִים: תָּבִיא שְׁאָר קָרְבְּנוֹתֶיהָ וְתִטְהַר, שְׁמַע מִינָּהּ.

The Gemara cites the rest of the mishna, which also indicates that the *tanna'im* disagree with regard to the offerings. **And an incident also** occurred **involving Miriam of Tarmod, that the blood of one** of her offerings **was sprinkled on her behalf, and they came and notified her that her daughter was mortally ill. And she went and found** that her daughter **was dead,** and thereby contracted impurity. **And the Rabbis said: Let her bring the rest of her offerings and be purified.** The Gemara concludes: Indeed, **learn from** the mishna that this is so.

הדרן עלך שלשה מינין

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Summary of **Perek VI**

In this chapter, the Gemara concluded that a nazirite is liable to receive lashes for eating or drinking any grape product. This includes those parts that are not usually consumed, as well as the main part of the fruit. However, branches, which are never consumed, are excluded. One is liable to be punished for violating the prohibition of eating a grape product if he eats an olive-bulk, while the minimum amount for incurring liability for drinking wine or wine vinegar is a quarter-*log*. Although the ingestion of all grape products is technically a single prohibition, the Torah imposes separate punishments of lashes for the consumption of different items.

With regard to shaving, a nazirite who removes even a single hair is liable to receive lashes. A nazirite is also liable to receive lashes if another person removes a hair from his head, if this was done with his consent. This is the case whether the hair was cut with an instrument or removed manually. Nevertheless, the naziriteship term is negated and considered interrupted only if most of the nazirite's head was shaved with a razor or a similar implement. At the end of his naziriteship term, the individual is obligated to shave his entire head, and the performance of this mitzva is invalid if he leaves even two hairs on his head. This shaving of purity must be performed with a razor, like the shaving of a leper.

The three prohibitions of naziriteship, namely the consumption of products of the grapevine, shaving, and contracting ritual impurity imparted by a corpse, differ with regard to those occasions when they are suspended. For example, a nazirite who becomes a leper must shave for his ritual purification from his leprosy, and he is permitted to contract impurity to tend to a corpse with no one to bury it [*met mitzva*]. By contrast, a nazirite may never drink wine. There are other differences between the three prohibitions: If a nazirite becomes impure, his entire term of naziriteship is negated, and he must bring offerings for his impure naziriteship before starting naziriteship afresh. Conversely, if a nazirite shaves, his term of naziriteship is not negated. However, he must wait thirty days for his hair to grow again, even if he was shaved against his will. Finally, if a nazirite drinks wine, his term continues uninterrupted, although he is liable to receive lashes. This is the case even if he did so intentionally.

Once a nazirite's term has been completed, he brings the offerings of a pure nazirite. If the blood of even one of his offerings has been sprinkled on the altar in the proper manner, his purification is complete after the fact and the prohibitions of a nazirite no longer apply to him. In this case he must still bring the other required offerings.

Other matters discussed in this chapter in connection with these topics include the *halakhot* of permitted food combining with forbidden substances, the principle that a forbidden substance imparts a taste to the permitted food, and the prohibition

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against rounding the head in a situation when shaving is required. Additionally, the chapter considered various issues associated with a priest contracting ritual impurity from a corpse, e.g., when exactly he may come into contact with a corpse of a close relative. The Gemara also discussed the differences between various ways of contracting impurity imparted by a corpse: Direct contact, concurrent contact, and ritual impurity imparted by a corpse in a tent.

Finally, the chapter analyzed exegetical principles such as a detail, a generalization, and a detail, and the like.

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Introduction to **Perek VII**

All the days that he consecrated himself to the Lord he shall not come near to a dead body. He shall not become defiled for his father, or for his mother, for his brother, or for his sister, when they die; because his naziriteship to God is upon his head.

(Numbers 6:7)

And the Lord said to Moses: Speak to the priests the sons of Aaron, and say to them: None shall defile himself for the dead among his people, except for his kin, that is near to him, for his mother, and for his father, and for his son, and for his daughter, and for his brother, and for his sister a virgin, that is near to him, that has had no husband, for her may he defile himself.

(Leviticus 21:1–3)

And the priest that is highest among his brothers, upon whose head the anointing oil is poured, and that is consecrated to put on the garments, shall not let the hair of his head go loose, nor rend his clothes; neither shall he go in to any dead bodies, nor defile himself for his father, or for his mother.

(Leviticus 21:10–11)

This chapter investigates the details of the prohibition against a nazirite becoming ritually impure from a corpse. This restriction is not limited to a nazirite, as it is also incumbent upon common priests and the High Priest to avoid the impurity of corpses. Additionally, one who is impure may not enter the Temple precincts or partake of sacrificial meat. To a certain extent, the discussions in this chapter involve a comparison between the *halakhot* pertaining to a priests and those pertaining to a nazirite.

The phenomenon of impurity from a corpse involves a range of *halakhot* and various measurements with regard to the ritual impurity of different body parts. Furthermore, the methods of contracting impurity from a corpse, i.e., through contact, carrying, and in a tent, are governed by separate *halakhot*.

The chapter addresses the issue of which types of ritual impurity from a corpse cause a nazirite to negate his naziriteship term. The status of a nazirite afflicted with leprosy is also considered.

A comparison between the prohibitions against a nazirite and a priest contracting ritual impurity from a corpse gives rise to certain questions: How should these individuals behave when they come across a corpse with no one available to bury it [*met mitzva*]? Does the sanctity of the priest take precedence over that of the nazirite in this situation, or vice versa? The chapter also discusses other matters concerning impurity from a corpse, including various states of impurity established by rabbinic law.

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מתני׳ כֹּהֵן גָּדוֹל וְנָזִיר אֵין מִיטַּמְּאִין לְקָרוֹבֵיהֶן, אֲבָל מִיטַּמְּאִין לְמֵת מִצְוָה. הָיוּ מְהַלְּכִין בַּדֶּרֶךְ וּמָצְאוּ מֵת מִצְוָה, רַבִּי אֱלִיעֶזֶר אוֹמֵר: יִטַּמֵּא כֹּהֵן גָּדוֹל וְאַל יִטַּמֵּא נָזִיר. וַחֲכָמִים אוֹמְרִים: יִטַּמֵּא נָזִיר, וְאַל יִטַּמֵּא כֹּהֵן הֶדְיוֹט.

MISHNA **A High Priest and a nazirite may not become ritually impure** even **to** bury **their** deceased **relatives.**[H] **However, they become impure to** bury **a corpse with no one to bury it** [*met mitzva*].[HB] If one of them comes across the corpse of a Jew, and there is nobody else available to bury it, he must bury the body. If a High Priest and a nazirite **were walking along the way and they found a *met mitzva*,** and one of them can tend to the burial by himself, **Rabbi Eliezer says: Let** the **High Priest become impure, and** do **not let** the **nazirite become impure. And the Rabbis say: Let** the **nazirite become impure, and** do **not let** even **a common priest become impure.**[N]

אָמַר לָהֶם רַבִּי אֱלִיעֶזֶר: יִטַּמֵּא כֹּהֵן שֶׁאֵינוֹ מֵבִיא קָרְבָּן עַל טוּמְאָתוֹ, וְאַל יִטַּמֵּא נָזִיר שֶׁהוּא מֵבִיא קָרְבָּן עַל טוּמְאָתוֹ. אָמְרוּ לוֹ: יִטַּמֵּא נָזִיר שֶׁאֵין קְדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם, וְאַל יִטַּמֵּא כֹּהֵן שֶׁקְּדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם.

Rabbi Eliezer said to the Rabbis: It is preferable to **let** the **priest become impure, as he does not bring an offering for his impurity, and** do **not let** the **nazirite become impure, as he brings an offering for his impurity.** The Rabbis **said to him:** On the contrary, **let** the **nazirite become impure, as his sanctity is not permanent, and** do **not let a priest become impure, as his sanctity is permanent.**[HN]

גמ׳ בְּשִׁלָּמָא כֹּהֵן גָּדוֹל וְנָזִיר – הַאי סָבַר: כֹּהֵן גָּדוֹל עֲדִיף, וְהַאי סָבַר נָזִיר עֲדִיף.

GEMARA In light of the mishna's dispute between Rabbi Eliezer and the Rabbis, the Gemara compares the status of various individuals. **Granted,** with regard to **a High Priest and a nazirite,** one can explain the dispute as follows. **This** Sage, the Rabbis, **holds** that it is **preferable** that **a High Priest** remain ritually pure, as his sanctity is permanent. **And this** Sage, Rabbi Eliezer, **holds** that it is **preferable** that **a nazirite** remain ritually pure, as he is obligated to bring an offering for his impurity.

מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה

Additionally, if the two walking together were a High Priest **anointed with the anointing oil,** as was performed during the First Temple period,

HALAKHA

May not become ritually impure to bury their relatives – אֵין מִיטַּמְּאִין לְקָרוֹבֵיהֶן: A High Priest is prohibited from becoming impure to bury any corpse, including those of his relatives. The same applies to a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 1:1 and *Sefer Shofetim*, *Hilkhot Evel* 3:6).

They become impure to bury a corpse with no one to bury it [*met mitzva*] – מִיטַּמְּאִין לְמֵת מִצְוָה: All people must become impure to bury a *met mitzva*. Even a High Priest or a nazirite who encounters a *met mitzva* is obligated to become impure to tend to its burial (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:12 and *Sefer Shofetim*, *Hilkhot Evel* 3:8; *Shulḥan Arukh*, *Yoreh De'a* 374:1).

A nazirite and a priest – נָזִיר וְכֹהֵן: If a nazirite and a High Priest, or even a common priest, encounter a *met mitzva*, it is preferable for the nazirite to become ritually impure and bury the corpse, as his sanctity is considered temporary, while the sanctity of the priest is permanent. This *halakha* applies even to a permanent nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:13 and *Sefer Shofetim*, *Hilkhot Evel* 3:9).

BACKGROUND

A corpse with no one to bury it [*met mitzva*] – מֵת מִצְוָה: It is an important religious obligation to take part in the burial of the dead. If the deceased has no acquaintances or relatives to bury him, everyone is obligated to assist in his burial. The *halakha* is that a corpse with no one available to bury it acquires its place, i.e., the body must be interred where it was found. This is the *halakha* provided that it is situated in a dignified location. Otherwise, the body must be buried in the nearest cemetery. This religious duty is so important that even priests and nazirites, who are ordinarily prohibited from coming into contact with a corpse, may perform a burial if there is no one else available to do so. Likewise, the obligation to bury this corpse takes precedence over virtually all other religious obligations.

NOTES

And do not let a common priest become impure – וְאַל יִטַּמֵּא כֹּהֵן הֶדְיוֹט: Alternative versions of the text, read: High Priest. It is possible to uphold the standard reading, as there is no difference between a common priest and a High Priest with regard to impurity from a corpse. The Rabbis are stressing that it is better for a nazirite rather than a common priest, and certainly a High Priest, to become impure.

As his sanctity is permanent – שֶׁקְּדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם: Nazirite-ship lasts for a limited period, whereas priesthood status is forever. In the Jerusalem Talmud and the writings of many early commentaries the following question is asked: How does this disagreement resolve the case of a permanent nazirite, whose sanctity also lasts forever? Several answers are offered. Some point out that even this nazirite's sanctity starts only from adulthood, whereas a priest has his status from birth (Rabbi Avraham min HaHar; *Tosefot Yom Tov*). Others claim that the sanctity of a nazirite is always considered temporary, as he can request dissolution of his vow of naziriteship (*Leḥem Mishne*; *Oraḥ Mishor*). In the Jerusalem Talmud it is explained that the term permanent sanctity means that the sanctity is imposed by the Torah itself, as opposed to that of a nazirite, whose sanctity results from a vow (Rabbeinu Azriel). Alternatively, the sanctity of a priest is permanent in that it is transferred from one generation to another, whereas the sanctity of a nazirite is not inherited by his sons (Rashash).

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וּמְרוּבֵּה בְּגָדִים – מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה עֲדִיף, דְּאִילּוּ מָשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה מֵבִיא פַּר הַבָּא עַל כָּל הַמִּצְוֹת, וְאִילּוּ מְרוּבֵּה בְּגָדִים – אֵין מֵבִיא.

and a High Priest **of many garments,**[NBH] i.e., one who was not anointed with oil but who was sanctified by wearing the eight garments of a High Priest, it is **preferable** that **the one who was anointed with the anointing oil**[N] remain ritually pure. The Gemara explains: **As** a High Priest **anointed with the anointing oil brings** the **bull**[H] **brought for all the mitzvot,** i.e., if an anointed priest ruled erroneously with regard to a prohibition that if a Jew transgressed it he would be liable to bring a sin-offering, he brings a bull for his sin-offering (see Leviticus 4:3–12), **while** a High Priest **of many garments does not bring** a bull.

מָשׁוּחַ שֶׁעָבַר וּמְרוּבֵּה בְּגָדִים – מְרוּבֵּה בְּגָדִים עֲדִיף, דִּמְרוּבֵּה בְּגָדִים עָבֵיד עֲבוֹדָה, וְאִילּוּ מָשׁוּחַ שֶׁעָבַר לָאו בַּר עֲבוֹדָה הוּא.

In a case where **a former anointed** High Priest, i.e., a priest who had temporarily substituted for a High Priest, is walking together with one of **many garments,**[NH] it is **preferable** that the one who wears **many garments** remain ritually pure. The reason is **that** a High Priest of **many garments** still **performs the service, whereas a former anointed** High Priest **is no** longer **able** to perform the **service.**[H]

עָבַר מֵחֲמַת קֵירוּיוֹ וְעָבַר מֵחֲמַת מוּמוֹ – עָבַר מֵחֲמַת קֵירוּיוֹ עֲדִיף, דְּאִילּוּ הַאי חֲזִי לַעֲבוֹדָה לְמָחָר, וְאִילּוּ עָבַר מֵחֲמַת מוּמוֹ לָא חֲזִי לַעֲבוֹדָה.

In a case where an anointed High Priest who temporarily **left** his role **due to his seminal emission**[H] is walking with a former anointed High Priest who left his role **due to his blemish,** it is **preferable** that the former High Priest who **left due to his seminal emission** remain ritually pure, **as this one,** the High Priest who experienced an emission, **is fit for the** Temple **service the following day, while** the former anointed High Priest who **left due to his blemish is no** longer **fit for the service** at all (see Leviticus 21:16–24).

NOTES

Of many garments – מְרוּבֵּה בְּגָדִים: By Torah law, a High Priest must be anointed with the oil prepared by Moses, as commanded by God (see Exodus 30:22–33). However, this oil was hidden by King Josiah toward the end of the First Temple period. Since only it may be used, all subsequent High Priests were not anointed but were appointed High Priest by virtue of wearing the eight garments. Since the garments of a High Priest comprise four more items of clothing than those worn by a common priest, this state is referred to as wearing many garments.

An anointed priest and one of many garments – מָשׁוּחַ וּמְרוּבֵּה בְּגָדִים: The early commentaries inquire as to how it is possible that two High Priests could be serving at the same time and only one of them was appointed with the anointing oil. They answer that this ruling is referring to a case where the last High Priest to be anointed with the oil took ill or was exiled, and a replacement was appointed by a common priest donning the additional garments, after which the first High Priest regained his health or returned from exile. In this manner, the two High Priests could be contemporaries (*Tosafot*). Alternatively, the ruling is referring to a High Priest who contracted ritual impurity just before Yom Kippur, so that another had to be appointed quickly in his stead. Since there was no time for him to be anointed, he donned the garments to assume the status of a High Priest (Rabbeinu Todros).

A former anointed High Priest with one of many garments – מָשׁוּחַ שֶׁעָבַר וּמְרוּבֵּה בְּגָדִים: The category of a former High Priest typically refers to a case where a High Priest became impure on or just before Yom Kippur and therefore requires an immediate replacement. When the first High Priest is purified, he returns to his office, and the one who filled in for him is called a former High Priest. The Sages ruled that although all the prohibitions of a High Priest apply to a former High Priest, he does not serve in the Temple at all. He does not fulfill the functions of a High Priest, to prevent antagonism between the two priests, but neither does he serve as a common priest, as one does not lower an individual who has been elevated to a higher position.

BACKGROUND

Of many garments – מְרוּבֵּה בְּגָדִים:



High Priest wearing vestments

HALAKHA

A High Priest anointed with the anointing oil and a High Priest of many garments – מָשׁוּחַ שֶׁבְּשֶׁמֶן הַמִּשְׁחָה וּמְרוּבֵּה בְּגָדִים: A High Priest anointed with the anointing oil takes precedence with regard to all matters over one who was appointed by wearing many garments. Consequently, if they encountered a *met mitzva* together, the one who wore the garments must bury the body and thereby become ritually impure (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:19 and *Sefer Shofetim*, *Hilkhot Evel* 3:9).

A High Priest anointed with the anointing oil brings the bull – מָשׁוּחַ...מֵבִיא פָּר: The only difference between an anointed High Priest and one who wears many garments is that the anointed High Priest brings a bull as a sin-offering for an erroneous ruling involving any of the mitzvot punishable by *karet*. In this regard, a High Priest appointed by donning many garments has the status of a common priest (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:14 and *Sefer Korbanot*, *Hilkhot Shegagot* 15:1–2).

A former anointed High Priest with one of many garments – מָשׁוּחַ שֶׁעָבַר וּמְרוּבֵּה בְּגָדִים: A High Priest appointed through the additional garments takes precedence over an anointed High Priest who was removed from his post due to a seminal emission (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:19).

A former anointed High Priest is no longer able to perform the service – מָשׁוּחַ שֶׁעָבַר לָאו בַּר עֲבוֹדָה הוּא: A former anointed High Priest who was removed from his office due to the return of the first High Priest does not serve as High Priest during the original High Priest's lifetime. He does not serve as a common priest either, as one does not lower an individual who has been elevated to a higher position (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:21 and *Sefer Avoda*, *Hilkhot Yom HaKippurim* 1:3).

An anointed High Priest who left due to his seminal emission, etc. – עָבַר מֵחֲמַת קֵירוּיוֹ וכו': A High Priest who was removed because he suffered a seminal emission takes precedence over one who left his office due to a blemish (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 4:19).

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אִיבַּעְיָא לְהוּ: מְשׁוּחַ מִלְחָמָה וּסְגָן, הֵי מִינַּיְיהוּ עֲדִיף? מְשׁוּחַ מִלְחָמָה עֲדִיף – דַּחֲזִי לְמִלְחָמָה, אוֹ דִלְמָא סְגָן עֲדִיף – דַּחֲזִי לַעֲבוֹדָה?

§ The above cases are all easily resolved and are mentioned merely to introduce the following inquiries, for which there are no obvious answers. **A dilemma was raised before** the Sages. For **which of these** two is it **preferable** that he remain ritually pure: A priest **anointed for war,** who was anointed with oil and appointed to admonish the troops before battle (see Deuteronomy 20:2) **or the deputy** [***segan***][L] High Priest? Is it **preferable** that the priest **anointed for war** remain ritually pure, **as he is fit for war? Or, perhaps** it is **preferable** that the **deputy** High Priest remain ritually pure, **as he is fit for service** in the Temple in place of the High Priest.

תָּא שְׁמַע, דְּתַנְיָא: אֵין בֵּין מְשׁוּחַ מִלְחָמָה לַסְּגָן, אֶלָּא שֶׁאִם הָיוּ מְהַלְּכִין בַּדֶּרֶךְ וּמָצְאוּ מֵת מִצְוָה – יִטַּמֵּא מְשׁוּחַ מִלְחָמָה וְאַל יִטַּמֵּא הַסְּגָן.

The Gemara suggests: **Come** and **hear** a resolution, **as it is taught** in a *baraita*: **The difference between** a priest **anointed for war and a deputy** High Priest **is only that if they were walking along the way and found a *met mitzva*,** the ruling is: **Let the one anointed for war become impure,**[H] **and** do **not let the deputy become impure.**

וְהָתַנְיָא: מְשׁוּחַ מִלְחָמָה קוֹדֵם לַסְּגָן. אָמַר מָר זוּטְרָא: לְעִנְיַן הַחַיּוֹתוֹ – מְשׁוּחַ מִלְחָמָה עֲדִיף, מַאי טַעֲמָא – דְּתָלוּ בֵּיהּ רַבִּים.

The Gemara asks: **But isn't it taught** in a different *baraita*: A priest **anointed for war takes precedence over the deputy**[H] High Priest? **Mar Zutra said:** This is not difficult. **With regard to preserving his life** and rescuing him from captivity or from a dangerous situation, it is **preferable** to preserve **the one anointed for war. What is the reason** for this? The reason is **that the public depends on him** in a time of war.

וּלְעִנְיַן טוּמְאָה – סְגָן עֲדִיף. דְּתַנְיָא, רַבִּי חֲנִינָא בֶּן אַנְטִיגְנוֹס אוֹמֵר: לָמָּה תִּקְּנוּ סְגָן לְכֹהֵן גָּדוֹל? שֶׁאִם אֵירַע בּוֹ פְּסוּל – הֲרֵי נִכְנָס וּמְשַׁמֵּשׁ תַּחְתָּיו.

But with regard to ritual impurity, it is **preferable** that the **deputy** High Priest remain ritually pure, **as it is taught** in a *baraita* that **Rabbi Ḥanina ben Antigonus says: Why did** the Sages **institute a deputy for the High Priest?** So **that if a disqualification befalls** the High Priest, his deputy **can enter** the Temple **and serve in his stead.** The deputy High Priest cannot fulfill this function if he is allowed to become ritually impure.

עַד כָּאן לָא פְּלִיגִי אֶלָּא בְּכֹהֵן גָּדוֹל וְנָזִיר כִּי קָא אָזְלִי בַּהֲדֵי הֲדָדֵי, אֲבָל חַד חַד לְחוּדֵיהּ – בַּר אִיטַּמּוּיֵי אִינּוּן. מְנָא הָנֵי מִילֵּי?

The Gemara turns its attention to the *halakha* of the mishna. Rabbi Eliezer and the Rabbis **disagree only with regard to a High Priest and a nazirite who are walking together** and find a *met mitzva*, in which case one of them must become impure. **However,** it is evident that if **each of them** is walking **separately, they are able,** i.e., they are required, **to become impure. From where are these matters** derived? From where is it learned that a High Priest and a nazirite, who are prohibited from becoming impure even to bury their relatives, must nevertheless become impure to bury a *met mitzva*?

דְּתָנוּ רַבָּנַן: ״עַל כָּל נַפְשׁוֹת מֵת לֹא יָבֹא״. בַּמֶּה הַכָּתוּב מְדַבֵּר? אִי בָּרְחוֹקִים – קַל וָחוֹמֶר הוּא: וּמַה כֹּהֵן הֶדְיוֹט שֶׁהוּא מִיטַּמֵּא לַקְּרוֹבִים – אֵינוֹ מִיטַּמֵּא לָרְחוֹקִים, כֹּהֵן גָּדוֹל שֶׁאֵינוֹ מִיטַּמֵּא לַקְּרוֹבִים – אֵינוֹ דִּין שֶׁאֵינוֹ מִיטַּמֵּא לָרְחוֹקִים? אֶלָּא בִּקְרוֹבִים הַכָּתוּב מְדַבֵּר.

It is **as the Sages taught:** The verse states with regard to a High Priest: "**Neither shall he go in to any dead bodies;** nor defile himself for his father or for his mother" (Leviticus 21:11). **With regard to what** bodies **is the verse speaking? If** it is referring **to distant** people, i.e., non-relatives, **that** *halakha* can be derived by **an *a fortiori*** inference: **And if a common priest, who becomes impure to** bury his **close** family members, **may not become impure to** bury **distant** people, then with regard to **a High Priest, who does not become impure** even **to** bury **close** members of his family, **is it not logical that he does not become impure to** bury **distant** people? **Rather, the verse is speaking of close** family members, and it prohibits a High Priest from becoming impure to bury any person, even his relatives.

וּלְאָבִיו הוּא דְּאֵינוֹ מִיטַּמֵּא, הָא מִיטַּמֵּא הוּא לְמֵת מִצְוָה.

The Gemara comments: With regard to the rest of the verse: "Nor defile himself for his father or for his mother" (Leviticus 21:11), each of these clauses must serve to teach a novel *halakha*. **And** the phrase "for his father" teaches: **It is to** bury **his father that he may not become ritually impure,** from which it may be inferred that **he becomes impure to** bury a ***met mitzva*.**

LANGUAGE

Deputy [*segan*] – סְגָן: This term, which appears in the Bible (see Jeremiah 51:23), is apparently Assyrian in origin. Its principal meaning is an officer, appointee, overseer, and the like. The deputy High Priest [*segan hakohanim*] was the officer in the Temple in charge of the priests. He was responsible for all of the duties of the High Priest in his superior's absence (see Jeremiah 52:24).

HALAKHA

Let the one anointed for war become impure – יִטַּמֵּא מְשׁוּחַ מִלְחָמָה: If a priest anointed for war and a deputy High Priest encounter a *met mitzva*, it is preferable that the priest anointed for war become impure (Rambam *Sefer Shofetim, Hilkhot Evel* 3:9).

A priest anointed for war takes precedence over the deputy – מְשׁוּחַ מִלְחָמָה קוֹדֵם לַסְּגָן: A priest anointed for war takes precedence over a deputy High Priest as far as his stature and honor are concerned (Rambam *Sefer Avoda, Hilkhot Kelei HaMikdash* 4:19).

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BACKGROUND

***A fortiori* – קַל וָחוֹמֶר:** One of the fundamental principles of rabbinic exegesis, the *a fortiori* inference is included in all of the standard lists of exegetical principles. In essence, it is a principle of logical argumentation by means of which a comparison is drawn between two cases, one lenient and the other stringent. It asserts that if a stringent *halakha* applies in a case where one is usually lenient, it will certainly apply in a more serious case. Likewise, if a lenient *halakha* applies in a case where one is usually not lenient, it will certainly apply in a less serious case.

A fortiori reasoning appears already in the Bible, and the Talmud provides lists of biblical verses containing *a fortiori* inferences. This is one of the most commonly encountered exegetical principles, as *a fortiori* inferences can be drawn even without support from tradition, as opposed to a verbal analogy, for example, which one cannot produce on one's own. Sometimes, the Sages referred to *a fortiori* inferences as logical argumentation.

HALAKHA

He may become impure for their leprosy and for their emission of a *zav* – מִיטַּמֵּא הוּא לְנִגְעָם וּלְזִיבָתָם: It is permitted for priests and nazirites to contract types of impurity other than that of a corpse (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 16:9).

To bury his maternal brother – לְאָחִיו מֵאִמּוֹ: A priest may not become ritually impure to bury his maternal brother or sister (Rambam *Sefer Shofetim*, *Hilkhot Evel* 2:12; *Shulḥan Arukh*, *Yoreh De'a* 373:4).

"וּלְאִמּוֹ" – לְגֵזֵירָה שָׁוָה, לְכִדְרַבִּי. דְּתַנְיָא, רַבִּי אוֹמֵר: גַּבֵּי נָזִיר, בְּמוֹתָם אֵינוֹ מִיטַּמֵּא אֲבָל מִיטַּמֵּא הוּא לְנִגְעָם וּלְזִיבָתָם. וְאֵין לִי אֶלָּא בְּנָזִיר, בְּכֹהֵן גָּדוֹל מִנַּיִן?

The phrase **"or for his mother"** serves **as a verbal analogy, in accordance with** the opinion of **Rabbi** Yehuda HaNasi, **as it is taught** in a *baraita*: **Rabbi** Yehuda HaNasi **says:** It states **with regard to a nazirite:** "He shall not become defiled for them when they die" (Numbers 6:7), which indicates: It is only **when** his relatives **die** that **he may not become impure** for them. **However, he may become impure for their leprosy and for their emission of a *zav*,**[H] i.e., a nazirite is not forbidden to contract those forms of ritual impurity. **And I have** derived **only** that this *halakha* applies **to a nazirite,** the subject of this verse. **From where** do I derive that this applies **to a High Priest** as well?

אָמַרְתָּ: לֹא יֹאמַר "אִמּוֹ" בְּכֹהֵן גָּדוֹל שֶׁאֵין תַּלְמוּד לוֹמַר, שֶׁהֲרֵי קַל וָחוֹמֶר הוּא: וּמָה אִם בְּמָקוֹם שֶׁכֹּהֵן הֶדְיוֹט מִיטַּמֵּא לְאָחִיו מֵאָבִיו – אֵין כֹּהֵן גָּדוֹל מִיטַּמֵּא לְאָחִיו, מָקוֹם שֶׁאֵין כֹּהֵן הֶדְיוֹט מִיטַּמֵּא לְאָחִיו מֵאִמּוֹ – אֵינוֹ דִּין שֶׁאֵין כֹּהֵן גָּדוֹל מִיטַּמֵּא לְאִמּוֹ?

You can **say** as follows: The verse need **not say "his mother" with regard to a High Priest, as** there is **no** need for **the verse to state** this, **since** this *halakha* **is** derived ***a fortiori*:**[B] **And if in a case where a common priest becomes impure to** bury **his paternal brother, a High Priest may not become impure** even **to** bury **his father,** then **in a case where a common priest may not become impure to** bury **his maternal brother,**[H] who is not considered a relative with regard to impurity, **is it not logical that a High Priest may not become impure to** bury **his mother** herself?

אִם זָכִיתָה מֵהַדִּין, מַה תַּלְמוּד לוֹמַר "אִמּוֹ" בְּכֹהֵן גָּדוֹל – מוּפְנֶה לְהַקִּישׁ וְלָדוּן הֵימֶנּוּ גְּזֵירָה שָׁוָה: נֶאֱמַר "אִמּוֹ" בְּנָזִיר וְנֶאֱמַר "אִמּוֹ" בְּכֹהֵן גָּדוֹל,

And if you have successfully derived this *halakha* **from the** *a fortiori* **inference, what** is the meaning when **the verse states "his mother" with regard to a High Priest?** It is **free to** teach a novel *halakha*, and one can **compare and learn a verbal analogy from it** as follows: **It is stated "his mother" with regard to a nazirite** (Numbers 6:7), **and it is stated "his mother" with regard to a High Priest** (Leviticus 21:11).

מָה "אִמּוֹ" הָאָמוּר בְּנָזִיר – בְּמוֹתָם אֵינוֹ מִיטַּמֵּא, אֲבָל מִיטַּמֵּא הוּא לְנִגְעָם וּלְזִיבָתָם, אַף "אִמּוֹ" הָאָמוּר בְּכֹהֵן גָּדוֹל – בְּמוֹתָם אֵינוֹ מִיטַּמֵּא, אֲבָל מִיטַּמֵּא הוּא לְנִגְעָם וּלְזִיבָתָם.

The Gemara explains: **Just as** the phrase **"his mother" stated with regard to a nazirite** teaches that **in** his parents' **death he may not become impure** to bury them **but he may become impure for their leprosy and for their emission of a *zav*,** as a nazirite is not prohibited from contracting these impurities, **so too,** the phrase **"his mother" stated with regard to a High Priest** means that **in** his parents' **death he may not become impure, but he may become impure for their leprosy and for their emission of a *zav*.**

אַשְׁכַּחַן כֹּהֵן גָּדוֹל, נָזִיר מְנָלַן? דְּתַנְיָא: "כָּל יְמֵי הַזִּירוֹ לַה' עַל נֶפֶשׁ מֵת לֹא יָבֹא".

The Gemara clarifies: **We found** a source for the *halakha* that **a High Priest** must become impure for a *met mitzva*; **from where do we** derive that **a nazirite** is likewise obligated? **As it is taught** in a *baraita* that it is stated with regard to a nazirite: **"All the days that he consecrated himself to the Lord he shall not come near to a dead body** [***nefesh met***]" (Numbers 6:6).

שׁוֹמֵעַ אֲנִי אֲפִילּוּ נֶפֶשׁ בְּהֵמָה בְּמַשְׁמָע, כְּעִנְיָן שֶׁנֶּאֱמַר "מַכֵּה נֶפֶשׁ בְּהֵמָה" – תַּלְמוּד לוֹמַר "עַל נֶפֶשׁ מֵת לֹא יָבֹא" – בְּנֶפֶשׁ אָדָם הַכָּתוּב מְדַבֵּר. רִבִּי יִשְׁמָעֵאל אוֹמֵר: אֵינוֹ צָרִיךְ, הֲרֵי הוּא אוֹמֵר "לֹא יָבֹא" – בַּנְּפָשׁוֹת הַמְּטַמְּאוֹת בְּבִיאָה הַכָּתוּב מְדַבֵּר.

I would **derive** from this verse that a nazirite is prohibited from coming near all bodies, **including even the body of an animal, similar to that which is stated:** "And **he who smites the body** [***nefesh***] **of an animal"** (Leviticus 24:18). Therefore, **the verse states: "He shall not come near to a dead body,"**[N] employing the dual term *nefesh met*, which indicates that **the verse is speaking of the body of a person. Rabbi Yishmael says:** This exposition **is unnecessary, as** the verse **states: "He shall not come near,"** indicating that **the verse is speaking** only **of bodies that render** people and items **ritually impure through going in,** i.e., entering. In other words, the verse is referring solely to corpses. Entering into a tent in which the corpse is contained renders one impure. By contrast, an animal carcass imparts impurity only by means of contact and carrying.

NOTES

The verse states…to a dead body – תַּלְמוּד לוֹמַר...עַל נֶפֶשׁ מֵת: The commentaries explain that this is derived from the compound term "dead body," *nefesh met*, which is stated only in reference to humans, as the word dead, *nefesh*, on its own, can refer to animals (see Exodus 21:34). An alternative version of the *baraita* reads: The verse states: "For his father or for his mother," which indicates that the verse is speaking about the body of a person, such as a father or mother. not the body of an animal (Rabbeinu Peretz).

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״לְאָבִיו וּלְאִמּוֹ״ אֵינוֹ מִיטַּמֵּא, אֲבָל מִיטַּמֵּא הוּא לְמֵת מִצְוָה.

In any case, once it has been derived that a nazirite is prohibited from becoming impure to bury any person, both relatives and non-relatives, the passage "he shall not become defiled **for his father, or for his mother**" (Numbers 6:7) is available to teach another *halakha*, that it is for only them that a nazirite **may not become impure, but he may become impure to** bury **a *met mitzva*.**

עַד שֶׁלֹּא יֹאמַר יֵשׁ לִי בַּדִּין: וּמַה כֹּהֵן גָּדוֹל, שֶׁקְּדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם – מִיטַּמֵּא לְמֵת מִצְוָה, נָזִיר שֶׁאֵין קְדוּשָּׁתוֹ קְדוּשַּׁת עוֹלָם – אֵינוֹ דִּין שֶׁמִּיטַּמֵּא לְמֵת מִצְוָה?

The *baraita* asks: Even **if** the verse **had not stated** this *halakha*, **I have** a way of deriving it **by right,** i.e., logically, with an *a fortiori* inference: **And if a High Priest, whose sanctity is permanent, may become ritually impure to** bury **a *met mitzva*,** then in the case of **a nazirite, whose sanctity is not permanent, is it not logical that he may become impure to** bury **a *met mitzva*** as well?

לֹא, אִם אָמַרְתָּ בְּכֹהֵן גָּדוֹל שֶׁכֵּן אֵינוֹ מֵבִיא קָרְבָּן עַל טוּמְאָתוֹ, תֹּאמַר בְּנָזִיר שֶׁמֵּבִיא קָרְבָּן עַל טוּמְאָתוֹ; הוֹאִיל וּמֵבִיא קָרְבָּן עַל טוּמְאָתוֹ – לֹא יִטַּמֵּא לְמֵת מִצְוָה – תַּלְמוּד לוֹמַר ״לְאָבִיו וּלְאִמּוֹ לֹא יִטַּמָּא״. אֲבָל מִיטַּמֵּא לְמֵת מִצְוָה.

The *baraita* rejects this inference: **No; if you say** that this is true **with regard to a High Priest, who does not bring an offering for his impurity, shall you** also **say** that this is the case **with regard to a nazirite, who does bring an offering for his impurity? Since** a nazirite **brings an offering for his impurity,** perhaps he should **not become impure to** bury **a *met mitzva*?** Therefore, **the verse states: "He shall not become defiled for his father, or for his mother"** (Numbers 6:7). **However,** he does **become impure to** bury **a *met mitzva*.**

אוֹ אֵינוֹ מִיטַּמֵּא לְאָבִיו וּלְאִמּוֹ, אֲבָל יִטַּמֵּא לִשְׁאָר מֵתִים? אָמַרְתָּ קַל וָחוֹמֶר: וּמַה כֹּהֵן הֶדְיוֹט שֶׁמִּיטַּמֵּא לַקְּרוֹבִין אֵינוֹ מִיטַּמֵּא לִשְׁאָר מֵתִים, נָזִיר שֶׁאֵינוֹ מִיטַּמֵּא לַקְּרוֹבִין – אֵינוֹ דִּין שֶׁלֹּא יִטַּמֵּא לִשְׁאָר מֵתִים?

The *baraita* suggests: **Or** perhaps one should expound this verse differently: **He may not become impure to** bury **his father or for his mother; however, he may become impure to** bury **other dead people.** The Gemara rejects this suggestion: **You** can **say** that this argument can be refuted ***a fortiori*: And if a common priest, who becomes impure to** bury his **relatives,** nevertheless **may not become impure to** bury **other dead people** (see Leviticus 21:1–2), then in the case of **a nazirite, who may not become impure to** bury his **relatives, is it not logical that** also **he should not become impure to** bury **other dead people?**

Perek **VII**
Daf **48** Amud **b**

הָא מַה תַּלְמוּד לוֹמַר ״לְאָבִיו וּלְאִמּוֹ״ – לְאָבִיו וּלְאִמּוֹ הוּא דְּלָא מִיטַּמֵּא, אֲבָל מִיטַּמֵּא הוּא לְמֵת מִצְוָה.

If so, **what** is the meaning when **the verse states: "For his father, or for his mother"** (Numbers 6:7)? It emphasizes that **it is to** bury **his father and to** bury **his mother that he may not become impure; however, he may become impure to** bury **a *met mitzva*.**

עַד שֶׁלֹּא יֹאמַר יֵשׁ לִי בַּדִּין: נֶאֱמְרוּ כְּלָלוֹת בְּכֹהֵן גָּדוֹל וְנֶאֱמְרוּ כְּלָלוֹת בְּנָזִיר, מַה כְּלָלוֹת הָאֲמוּרוֹת בְּכֹהֵן גָּדוֹל – לְאָבִיו אֵינוֹ מִיטַּמֵּא אֲבָל מִיטַּמֵּא לְמֵת מִצְוָה, אַף כְּלָלוֹת הָאֲמוּרוֹת בְּנָזִיר – לְאָבִיו אֵינוֹ מִיטַּמֵּא, אֲבָל מִיטַּמֵּא לְמֵת מִצְוָה.

The *baraita* questions the need for this derivation: Even **if** the verse **had not stated** this *halakha*, **I have** a way of deriving it **by right,** i.e., logically, with an *a fortiori* inference: **General** prohibitions **are stated** in the Torah **with regard to a High Priest**[N] contracting impurity from a corpse, i.e., "neither shall he go in to any dead bodies" (Leviticus 21:11), **and** similar **general** prohibitions **are stated with regard to a nazirite:** "He shall not come near to a dead body" (Numbers 6:6). The *baraita* explains: **Just as** the **general** prohibitions **stated with regard to a High Priest** teach that **it is to** bury **his father that he may not become impure, but he may become impure to** bury **a *met mitzva*, so too,** the **general** prohibitions **stated with regard to a nazirite** indicate that **it is for his father that he may not become impure, but he may become impure to** bury **a *met mitzva*.** Accordingly, there is no need for the derivation from the phrase "for his father or for his mother."

NOTES

General prohibitions are stated in the Torah with regard to a High Priest, etc. – נֶאֱמְרוּ כְּלָלוֹת בְּכֹהֵן גָּדוֹל וכו׳: The commentaries note that this does not literally mean that one derives from these general prohibitions of a High Priest the prohibitions of a nazirite with regard to a *met mitzva* (*Tosafot*). This comparison can be questioned from both sides, as the High Priest and the nazirite are each bound by certain stringencies that the other lacks. Rather, the general prohibition stated with regard to a High Priest teaches that a nazirite is also prohibited from becoming impure to bury any corpse, whether it is that of a relative or a stranger. Consequently, the verse that states this *halakha* with regard to a nazirite is superfluous and can be used for the case of a *met mitzva*.

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NOTES

If someone went, etc. – הֲרֵי שֶׁהָלַךְ וכו׳: Some commentaries explain that the *baraita* is referring to a nazirite who is also a High Priest and who is on his way to slaughter his Paschal offering (Commentary on *Nazir*; *Halakhot Gedolot*). Others maintain that the *baraita* is not referring to a nazirite in particular. Rather, it is speaking of anyone who is on his way to fulfill this mitzva (Rashi on *Berakhot*; *Tosafot*; *Arukh*, citing Rav Hai Gaon).

אוֹ כְּלָךְ לְדָרְכָּךְ זוֹ: נֶאֶמְרוּ בְּלָלוֹת בְּכֹהֵן הֶדְיוֹט וְנֶאֶמְרוּ בְּלָלוֹת בְּנָזִיר, מַה בְּלָלוֹת הָאֲמוּרוֹת בְּכֹהֵן הֶדְיוֹט – מְיטַמֵּא לְאָבִיו, אַף בְּלָלוֹת הָאֲמוּרוֹת בְּנָזִיר – מְיטַמֵּא לְאָבִיו.

The *baraita* refutes this proof: **Or** perhaps you can **go this way** and accept a different interpretation: **General** prohibitions **are stated with regard to a common priest** contracting impurity imparted by a corpse, i.e., "there shall none defile himself for the dead among his people" (Leviticus 21:1), **and general** prohibitions **are stated with regard to a nazirite. Just as** the **general** prohibitions **stated with regard to a common priest** teach that he **may become impure to** bury **his father** (Leviticus 21:2), **so too,** the **general** prohibitions **stated with regard to a nazirite** say that he **may become impure to** bury **his father.** Perhaps a nazirite is compared to a common priest, not a High Priest.

תַּלְמוּד לוֹמַר "לְאָבִיו וּלְאִמּוֹ לֹא יִטַּמָּא" הָא לְמֵת מִצְוָה מְיטַמֵּא. הָא מִיבָּעֵי לֵיהּ לוֹמַר שֶׁאֵין מְיטַמֵּא לְאָבִיו.

Since one cannot learn from the general prohibitions, one must revert to the previous derivation: **The verse states** with regard to a nazirite: "**He shall not become defiled for his father, or for his mother**" (Numbers 6:7), which indicates that **he may become impure to** bury **a *met mitzva*.** The *baraita* raises a difficulty with this last proof: One **requires** this verse for the *halakha* itself, **to say that** a nazirite, unlike a common priest, **may not become impure to** bury **his father.** How, then, can one learn from here that he may become impure to bury a *met mitzva*?

אֶלָּא: "לְאָבִיו" – לוֹמַר שֶׁאֵין מְיטַמֵּא לְאָבִיו: "לְאָחִיו" אֵינוֹ מְיטַמֵּא – הָא לְמֵת מִצְוָה מְיטַמֵּא: "וּלְאִמּוֹ" – לְגָזְרָה שָׁוָה, לְכִדְרַבִּי.

Rather, the *baraita* explains as follows: The superfluous phrase "**for his father**" serves **to say that he may not become impure to** bury **his father,** and all the more so for his other relatives. The phrase "**for his brother**" teaches that **he may not become impure** to bury his brother but **he may become impure to** bury **a *met mitzva*. "And for his mother";** this phrase is **for a verbal analogy in accordance with** the opinion of **Rabbi** Yehuda HaNasi, that a nazirite may contract ritual impurity of types other than a corpse.

"וְלַאֲחוֹתוֹ" – לְכִדְתַנְיָא, דְּתַנְיָא: "לַאֲחוֹתוֹ" מַה תַּלְמוּד לוֹמַר?

As for the phrase "**and for his sister,**" it is used **for that which is taught** in a *baraita*, **as it is taught** in a *baraita*: "**And for his sister**"**; what** is the meaning when **the verse states** this with regard to a nazirite? This detail is apparently superfluous, as the *halakha* that a nazirite may not become impure to bury a relative has already been derived.

הֲרֵי שֶׁהָלַךְ לִשְׁחוֹט אֶת פִּסְחוֹ וְלָמוּל אֶת בְּנוֹ, וְשָׁמַע שֶׁמֵּת לוֹ מֵת – יָכוֹל יִטַּמֵּא? אָמַרְתָּ: לֹא יִטַּמֵּא.

The *baraita* continues: Rather, the term "and for his sister" teaches the following: **If** someone **went**[N] **to slaughter his Paschal offering or to circumcise his son,** which are particularly stringent positive mitzvot, as their neglect is punished by *karet,* **and he hears that** a relative of **his had died,** one **might** have thought that **he should become impure** to bury his dead relative and abandon his performance of the mitzva. **You** can **say** in response that **he may not become impure,** as one is not permitted to neglect the obligation of the Paschal offering or circumcision, even to bury a close relative.

יָכוֹל לֹא יִטַּמֵּא לְמֵת מִצְוָה? תַּלְמוּד לוֹמַר "לַאֲחוֹתוֹ". לַאֲחוֹתוֹ הוּא דְּאֵינוֹ מְיטַמֵּא, הָא לְמֵת מִצְוָה – מְיטַמֵּא.

The *baraita* continues: One **might** have thought that **he may not become impure** even **to** bury **a *met mitzva*. The verse states: "For his sister." It is** only **for his sister** or another close relative that the nazirite **may not become impure, but he does become impure to** bury **a *met mitzva*.**[H] Since the verse had already taught that a nazirite may not become impure to bury a relative but does become impure to bury a *met mitzva* in an ordinary circumstance, the additional term "and for his sister" teaches that the same *halakha* applies even when he is going to perform an important mitzva.

HALAKHA

He does become impure to bury a *met mitzva* – לְמֵת מִצְוָה מְיטַמֵּא: It is a mitzva to bury a *met mitzva*, even if one is otherwise prohibited from becoming impure. Even a High Priest, a nazirite, and one who is on his way to slaughter his Paschal offering or circumcise his son must become impure to bury this corpse (Rambam *Sefer Shofetim*, *Hilkhot Evel* 3:8; *Shulḥan Arukh*, *Yoreh De'a* 374:1).

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רַבִּי עֲקִיבָא אוֹמֵר: ״נַפְשׁוֹת״ – אֵלּוּ הָרְחוֹקִין: ״מֵת״ – אֵלּוּ הַקְּרוֹבִין: ״לְאָבִיו וּלְאִמּוֹ״ אֵינוֹ מְטַמֵּא, אֲבָל מְטַמֵּא הוּא לְמֵת מִצְוָה.

Rabbi Akiva says that this verse dealing with a nazirite should be explained differently. "He shall not come near to a dead body" (Numbers 6:6) teaches the following: **"Body"; these are the distant**[N] people. **"Dead"; these are the close** relatives. The subsequent verse stresses that **"for his father or for his mother" he may not become impure; however, he does become impure to** bury a ***met mitzva*.**

״לְאָחִיו״ – שֶׁאִם הָיָה כֹּהֵן גָּדוֹל וְהוּא נָזִיר, לְאָחִיו אֵינוֹ מְטַמֵּא, אֲבָל מְטַמֵּא הוּא לְמֵת מִצְוָה. ״לַאֲחוֹתוֹ״ – כִּדְתַנְיָא: הָיָה שׁוֹחֵט הוֹלֵךְ לִשְׁחוֹט אֶת פִּסְחוֹ וְלָמוּל אֶת בְּנוֹ כּוֹ׳.

The next term in the verse, **"for his brother,"** indicates **that** even **if he was a High Priest and he was** also **a nazirite, he may not become impure to** bury **his brother, but he may become impure to** bury **a *met mitzva*.** As for the term **"for his sister,"** this is used to teach **that which is taught** in a *baraita*: **If one was going to slaughter his Paschal offering or to circumcise his son** and encountered a *met mitzva*, the obligation to bury the corpse takes precedence over the other important mitzva.

וּלְרַבִּי עֲקִיבָא, גְּזֵירָה שָׁוָה דְּרַבִּי מְנַלִּיהּ?

The Gemara asks: **And according to** the derivation of **Rabbi Akiva, from where does he** derive the *halakha* of the **verbal analogy of Rabbi** Yehuda HaNasi that a High Priest may contract impurities other than the impurity of a corpse? How does Rabbi Akiva derive this *halakha*?

אָמַר לָךְ: כֵּיוָן דְּאָמַר מָר: אִם הָיָה כֹּהֵן גָּדוֹל וְנָזִיר, לְאָחִיו אֵינוֹ מְטַמֵּא אֲבָל מְטַמֵּא הוּא לְמֵת מִצְוָה – מַה לִּי כֹּהֵן גָּדוֹל לְחוּדֵיהּ, מַה לִּי נָזִיר וְכֹהֵן גָּדוֹל.

The Gemara answers: Rabbi Akiva could have **said to you: Since the Master said** that **if** someone **was a High Priest and** also **a nazirite,** it **is to** bury **his brother that he may not become impure but he does become impure to** bury **a *met mitzva*,** one can therefore argue: **What** difference is it **to me** if he was **only a High Priest,** and **what** difference is it **to me** if he was both **a nazirite and a High Priest?** Once the Torah has stated that a nazirite may contract other forms of ritual impurity, the same *halakha* applies equally to a nazirite who is also a High Priest.

וּלְרַבִּי יִשְׁמָעֵאל, כֹּהֵן גָּדוֹל וְהוּא נָזִיר, מְנַלִּיהּ? כֵּיוָן דְּשָׁרָא רַחֲמָנָא חַד לָאו גַּבֵּי מֵת מִצְוָה – מַה לִּי חַד לָאו מַה לִּי תְּרֵין לָאוִין.

The Gemara asks: **And according to** the derivation of **Rabbi Yishmael, from where does he** derive that **a High Priest who is** also **a nazirite** must become impure to bury a *met mitzva*? The Gemara answers: **Since the Merciful One permits one prohibition with regard to a *met mitzva*,** either that of a High Priest or that of a nazirite, **what** difference is it **to me** if **one prohibition** is permitted, and **what** difference is it **to me** if **two prohibitions** are permitted? Once the Torah has permitted both a High Priest and a nazirite to contract ritual impurity to bury a *met mitzva*, it makes no difference if a single prohibition or two prohibitions are involved.

״אֲחוֹתוֹ״ לָמָּה לִי? סָלְקָא דַּעְתָּךְ אָמִינָא: כִּי שָׁרָא רַחֲמָנָא לְמֵת מִצְוָה – נָזִיר וְכֹהֵן, דְּאִיסּוּר לָאוֵי הוּא. אֲבָל מִילָה וּפֶסַח, דְּכָרֵת – לֹא יִטַּמֵּא לְמֵת מִצְוָה, קָא מַשְׁמַע לָן.

The Gemara asks further: If so, **why do I** need the term **"his sister"?**[N] The Gemara answers: It might **enter your mind to say** that **when the Merciful One permits** the contracting of impurity **to** bury **a *met mitzva*,** this is in the case of **a nazirite and a priest,** each of which involves **a negative prohibition** not to become impure. **However,** with regard to **circumcision and** the **Paschal offering,** whose neglect entails the punishment **of *karet*,**[B] perhaps one should **not become impure to** bury **a *met mitzva*.** The verse therefore **teaches us** that one must become impure even if this forces him to neglect a mitzva whose neglect is punishable by *karet*.

NOTES

Body, these are the distant – נַפְשׁוֹת, אֵלּוּ הָרְחוֹקִין: Rabbi Akiva disagrees with the opinion stated in the *baraita* above (48a), that the word "body" indicates that the verse is referring to people, as an animal is not called a "body," but only the "body of an animal." Furthermore, throughout the Torah (see, e.g., Leviticus 17:15), a dead animal is termed a "carcass" with regard to ritual impurity. It is also possible that Rabbi Akiva accepts Rabbi Yishmael's interpretation that the phrase "he shall not come near to" (Numbers 6:6) is referring to a corpse, which imparts impurity through a person's entrance into a tent (*Tosafot*).

Why do I need "his sister" – אֲחוֹתוֹ לָמָּה לִי: Since Rabbi Yishmael does not differentiate between one prohibition and two, as he maintains that the requirement to bury a *met mitzva* overrides several negative prohibitions, one should also be required to neglect the positive mitzvot of the Paschal offering and circumcision for this purpose (Commentary on *Nazir*).

BACKGROUND

***Karet* – כָּרֵת:** This is a divine punishment for serious transgressions. The precise definition of the term is a matter of debate among the commentaries. Opinions include premature death, sudden death, barrenness, the death of one's child, and excision of the soul from the World-to-Come. *Karet* is incurred only when one intentionally commits a transgression. If one transgresses a prohibition that is punishable by *karet* in the presence of witnesses, he is subject either to lashes or execution by an earthly court, depending upon the prohibition. Anyone who inadvertently transgresses one of these prohibitions must bring a sin-offering as atonement. Thirty-six transgressions are punishable by *karet*, all of which are violations of prohibitions. The two exceptions are neglecting to sacrifice the Paschal lamb and failure to ensure that one is circumcised.

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וּלְרַבִּי עֲקִיבָא, מִכְּדִי לָא שְׁנָא כֹּהֵן גָּדוֹל לְחוּדֵיהּ וְלָא שְׁנָא כֹּהֵן גָּדוֹל וְהוּא נָזִיר, נָפְקָא מ״לְאָחִיו״. ״לְאָבִיו וּלְאִמּוֹ״ לָמָּה לִי?

The Gemara asks: **And according to** the derivation of **Rabbi Akiva, now** consider, it **is no different** whether the individual was **a High Priest alone, and** it **is no different** if he was **a High Priest who was** also **a nazirite;** the *halakha* that he must become impure to bury a *met mitzva* is **derived from** the phrase **"for his brother,"** stated with regard to a nazirite (Numbers 6:7). But if so, **why do I** need the expression **"for his father, or for his mother"** (Numbers 6:7)?[N] The general prohibition against contracting impurity from any corpse should suffice.

צְרִיכִי, דְּאִי כְּתַב ״אָבִיו״ הֲוָה אָמִינָא: הַיְינוּ טַעְמָא דְּלָא מִיטַּמֵּא לֵיהּ – מִשּׁוּם דַּחֲזָקָה בְּעַלְמָא הוּא, אֲבָל אִמּוֹ דְּיָדְעִין דִּילָדְתֵּיהּ – לִיטַּמֵּא לָהּ.

The Gemara answers: Both **are necessary, as had** the verse **written** only "for **his father," I would say** that **this is the reason** that a nazirite **may not become impure for** his father: **Because it is merely a presumption** that he is his father, as one cannot be absolutely sure of the identity of one's father. **However,** with regard to **his mother, whom we know gave birth to him,** perhaps **let him become impure to** bury **her.** The verse therefore states: "His mother."

וְאִי כְּתַב רַחֲמָנָא ״אִמּוֹ״ – הֲוָה אָמִינָא: אִמּוֹ לָא לִיטַּמֵּא לָהּ – דִּלְאוּ אָזֵיל זַרְעָהּ בַּתְרָהּ, אֲבָל אָבִיו, כֵּיוָן דְּאָמַר מָר ״לְמִשְׁפְּחֹתָם לְבֵית אֲבוֹתָם״ – אֵימָא לִיטַּמֵּא לֵיהּ, קָא מַשְׁמַע לָן.

And conversely, **had the Merciful One written** only "for **his mother," I would say** that it is solely **to** bury **his mother** that **he may not become impure, as her seed does not follow her,** i.e., a man's lineage is determined by his father, not his mother. **However,** with regard to **his father, since the Master said** with regard to the verse "**by their families, by their fathers' house**" (Numbers 1:2) that one's family ancestry follows his father, you might **say: Let him become impure to** bury **him.** The verse therefore **teaches us** that a nazirite may not become impure to bury his father either.

״וְעַל כָּל נְפָשׁוֹת מֵת לֹא יָבֹא״ לָמָּה לִי?

The Gemara asks: According to the derivation of Rabbi Akiva, **why do I** need the words "**neither shall he go in to any dead bodies**" (Leviticus 21:11), stated with regard to a High Priest?

NOTES

Why do I need, for his father or for his mother – לְאָבִיו וּלְאִמּוֹ לָמָּה לִי: If burying a *met mitzva* overrides both the prohibition against a High Priest becoming impure and the prohibition against a nazirite becoming impure in the case of a High Priest who is a nazirite, it certainly takes precedence over each of these prohibitions separately. Consequently, there is no need for "for his father or for his mother" to be stated with regard to a nazirite at all (Commentary on *Nazir*). Some commentaries maintain that this question is referring to the phrase "for his father and for his mother" stated in connection with a High Priest. Either way, all commentaries agree that the difficulty applies to both cases, as according to the opinion of Rabbi Akiva, both verses are superfluous. Some commentaries state that although the phrase "for his father" is necessary to teach the basic *halakha* that a nazirite must become impure for a *met mitzva*, the question is why the verse specifies both "for his father" and "for his mother" (*Tosafot*). Others similarly say that despite the fact that it was stated above that the term "for his mother" is required for a verbal analogy, it remains unclear why the Torah states "for his father or for his mother" (Rosh).

״עַל כָּל״ – לְאַפּוֹקֵי רְחוֹקִים. ״מֵת״ – לְאַפּוֹקֵי קְרוֹבִים. ״נְפָשׁוֹת״ – לְאַפּוֹקֵי רְבִיעִית דָּם שָׁיְצָא מִשְּׁנֵי מֵתִים, שֶׁמְּטַמֵּא בְּאֹהֶל, שֶׁנֶּאֱמַר ״עַל כָּל נְפָשׁוֹת מֵת לֹא יָבֹא״.

"In to any" served **to exclude** contracting impurity to bury **distant** people, for whom a High Priest may not become impure; **"dead"** comes **to exclude relatives; "bodies"** comes **to exclude a quarter-*log* of blood that emerges from two corpses,**[N] **for it renders** people and objects **impure in a tent, as it is stated: "Neither shall he go in to any dead bodies"** (Leviticus 21:11). The plural "bodies" teaches that the blood of two people combines to form the minimum quantity for ritual impurity.

NOTES

A quarter-*log* of blood that emerges from two corpses – רְבִיעִית דָּם שָׁיְצָא מִשְּׁנֵי מֵתִים: The quarter-*log* measure, as the minimum measure of blood, is derived from the words "for the blood is the life" (Deuteronomy 12:23). The Sages determined that a person's life is dependent on a quarter-*log* of blood. Although the adult human body contains far more than one quarter-*log* of blood, it is possible that an infant is unable to survive if he loses this amount blood. Another explanation is that a quarter-*log* of blood is the amount contained in the heart.

This quarter-*log* of blood, which transmits ritual impurity, may be comprised from two corpses. The plural form "bodies," in the verse "neither shall he go in to any dead bodies" teaches that even a total of a quarter-*log* of blood from two corpses imparts impurity in a tent.

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מתני׳ עַל אֵלּוּ טוּמְאוֹת הַבָּאִין מִמְּגַלַּחַ: עַל הַמֵּת, וְעַל כַּזַּיִת מִן הַמֵּת, וְעַל כַּזַּיִת נֵצֶל, וְעַל מְלֹא תַּרְוָוד רָקָב, עַל הַשִּׁדְרָה, וְעַל הַגּוּלְגֹּלֶת, וְעַל אֵבֶר מִן הַמֵּת וְעַל אֵבֶר מִן הַחַי שֶׁיֵּשׁ עָלָיו בָּשָׂר כָּרָאוּי, וְעַל חֲצִי קַב עֲצָמוֹת, וְעַל חֲצִי לוֹג דָּם,

MISHNA

A nazirite shaves for having become impure from **these** following sources of **ritual impurity:**[NH] **For** having become impure with impurity imparted by **a corpse; and for** impurity imparted by **an olive-bulk of a corpse; and for** impurity imparted by **an olive-bulk of fluid** [***netzel***][BL] from a corpse; **and for** impurity imparted by **a full ladle** [***tarvad***][L] **of dust** from a corpse; and **for** impurity imparted by **the spine; and for** impurity imparted by **the skull;**[N] **and for** impurity imparted by **a limb from a corpse or for** impurity imparted by **a limb** severed **from a living** person, **upon** either of **which there is a fitting** quantity of **flesh;**[N] **and for** impurity imparted by **a half-*kav***[B] **of bones** from a corpse; **and for** impurity imparted by **a half-*log***[B] of **blood.**[N]

וְעַל מַגָּעָן וְעַל מַשָּׂאָן וְעַל אֲהִילָן. וְעַל עֶצֶם כִּשְׁעוֹרָה, עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ.

And a nazirite shaves in each of these cases for becoming impure **by coming into contact with them; and for** becoming impure by **carrying them;**[H] **and for** becoming impure by **their tent,** i.e., if he was positioned like a tent over them, or if he entered a tent that contains them, or if they served as a tent over him. **And** as **for a bone that is a barley-grain-bulk,**[H] he shaves **for** becoming impure by **coming into contact with it and by carrying it.**[N] However, he is not rendered impure with the impurity imparted in a tent, i.e., by being under the same roof as the bone.

עַל אֵלּוּ הַבָּאִין מִמְּגַלַּחַ, וּמַזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי, וְסוֹתֵר אֶת הַקּוֹדְמִין, וְאֵינוֹ מַתְחִיל לִמְנוֹת אֶלָּא עַד שֶׁיִּטְהַר וּמֵבִיא אֶת קָרְבְּנוֹתָיו.

For all of **these** occurrences, **a nazirite shaves, and** a priest **sprinkles** the ashes of the red heifer on him **on the third and on the seventh** days[H] to purify him from the impurity imparted by a corpse. **And he negates** all **the previous** days he counted toward his naziriteship, **and he begins counting** his term of naziriteship again **only after he becomes pure and brings his offerings.**

NOTES

For these following sources of ritual impurity, etc. – עַל אֵלּוּ טוּמְאוֹת וכו׳: As explained in the subsequent mishna, not every item that imparts impurity of a corpse has a degree of impurity severe enough to obligate a nazirite to shave. There are impurities for which a nazirite must purify himself but that do not obligate him to shave or negate any part of his naziriteship.

For the spine and for the skull – עַל הַשִּׁדְרָה וְעַל הַגּוּלְגֹּלֶת: These two body parts are listed separately, because a special *halakha* applies to them, as they impart impurity even if there is no flesh on them at all. The Gemara discusses whether this *halakha* refers to a spine and a skull together, or each on their own. Many commentaries rule that each of them imparts impurity by itself (Rambam; Meiri).

Upon which there is a fitting quantity of flesh – יֵשׁ עָלָיו בָּשָׂר כָּרָאוּי: The Sages explain that the phrase: A fitting quantity of flesh, refers to that which would develop a scab if it was attached to a living person, i.e., the limb is properly covered with flesh (*Kelim* 1:5). This amount is certainly less than an olive-bulk, as an olive-bulk of flesh from a corpse itself imparts impurity even without a limb (see Commentary on *Nazir*).

A half-*kav* of bones and for a half-*log* of blood – חֲצִי קַב עֲצָמוֹת וְעַל חֲצִי לוֹג דָּם: The commentaries point out that although the *halakha* is that a quarter-*kav* of bones and a quarter-*log* of blood impart impurity in a tent, a nazirite does not shave for these amounts (*Tosafot*). *Tosafot* explain that all these measures are a *halakha* transmitted to Moses from Sinai, for which there is no known justification. Others state that any impurity for which a nazirite is not obligated to shave applies by rabbinic law (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:3).

By coming into contact with it and by carrying it – עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ: This excludes the impurity imparted in a tent. Not only is a nazirite not obligated to shave if he enters a room that contains a bone whose volume is a barley-grain-bulk or greater, but this bone does not impart the impurity of a tent at all (*Tosafot*).

BACKGROUND

Fluid [*netzel*] – נֵצֶל: Certain liquids in the living body, whether lubricants in joints or similar liquids, including products of illness, such as pus, all undergo postmortem coagulation. This is because the processes that kept them fluid while the person was alive shut down sometime after death. Some of these fluids evaporate. Additionally, if a corpse was located in a very warm place, e.g., if the person perished in a fire, the fats of the body first liquefy and later congeal. The fluids from the corpse, both those that flow out of it and those that remain inside and congeal are called *netzel*.

***Kav* – קַב:** This is a basic unit of measurement from which many other small units are derived. It is equivalent to one-sixth of a *se'a*, or twenty-four egg-bulks.

***Log* – לוֹג:** This is the basic liquid measure used by the Sages. It is equivalent to the volume of six egg-bulks, one quarter of a *kav*, or one twenty-fourth of a *se'a*. A range of modern opinions estimates this volume at 300–600 ml.

HALAKHA

A nazirite shaves for these following sources of ritual impurity – עַל אֵלּוּ טוּמְאוֹת הַבָּאִין מִמְּגַלַּחַ: For which sources of impurity is a nazirite obligated to shave? A stillborn, even if its limbs have not become joined to its sinews; an olive-bulk of flesh from a corpse; an olive-bulk of fluid from a corpse; the majority of the bones of a single corpse, even if they do not amount to a quarter-*kav*; a half-*kav* of bones from one corpse, even if they do not constitute the majority of the number and the majority of the structure of its bones; the spine of a corpse; the skull of a corpse; a limb from a corpse or a limb from a living person, if these limbs contain enough flesh that would develop a scab on a live person; and a half-*log* of blood. All these impart impurity when they come from a single corpse, as do two handfuls of dust (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2).

By coming into contact with them and for carrying them, etc. – וְעַל מַגָּעָן וְעַל מַשָּׂאָן וכו׳: A nazirite must shave for the listed sources of impurity whether he came into contact with or carried them, or whether he served as a tent over them, or they were positioned as a tent over him, or if the source of impurity and the nazirite were in the same tent. In all these cases, the nazirite's term of naziriteship is negated, he shaves his hair, and he brings his offerings of impurity. The exception is dust from a corpse, which imparts impurity by carrying and in a tent but not by means of contact (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:5).

For a bone that is a barley-grain-bulk, etc. – עַל עֶצֶם כִּשְׁעוֹרָה וכו׳: If a nazirite came into contact with a bone from a corpse that is a barley-grain-bulk, he shaves only if he touched or carried it, but it does not impart impurity of a tent (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6).

And a priest sprinkles on the third and on the seventh days, etc. – וּמַזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי וכו׳: A nazirite who became impure through one of the sources of impurity of a corpse listed in the mishna has his naziriteship negated, performs the shaving of impurity, and brings the offerings for his impurity. He is purified from his impurity through the sprinkling of the purification waters of the red heifer and by bringing his sin-offering. At this point, he begins counting the term of his naziriteship afresh (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:11–13; 7:1, 5).

LANGUAGE

Fluid [*netzel*] – נֵצֶל: The root of *netzel* is likely connected to *nozel*, fluid, *neitzala* in Syriac. Accordingly, *netzel* is the fluid that flows from a corpse. By halakhic definition, this refers to a portion from the flesh of the corpse that has melted and become watery as a result of heat, illness, or decomposition.

Ladle [*tarvad*] – תַּרְוָוד: This term is also found in Syriac, Aramaic, and Arabic, although it apparently originated from an unidentified language. A *tarvad* is a kind of large spoon that was used to serve food from a pot. Since this utensil has no specific size, it is necessary to define how much a *tarvad* holds for the purposes of this *halakha* (see 50b).

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גמ׳ תָּנוּ רַבָּנַן: אַחַר פְּטִירָתוֹ שֶׁל רַבִּי מֵאִיר אָמַר לָהֶן רַבִּי יְהוּדָה לְתַלְמִידָיו: אַל יִכָּנְסוּ תַּלְמִידֵי רַבִּי מֵאִיר לְכָאן מִפְּנֵי שֶׁקִּנְּאָתָנִין הֵן, וְלֹא לִלְמוֹד תּוֹרָה הֵן בָּאִין אֶלָּא לְקַפְּחֵנִי בַּהֲלָכוֹת הֵן בָּאִין. דָּחַק סוּמָכוֹס וְנִכְנַס.

GEMARA **The Sages taught: After Rabbi Meir's death, Rabbi Yehuda**[P] **said to his students: Do not let the students of Rabbi Meir enter here,** into the house of study, **because they are vexatious and they do not come to study Torah, but they come to overwhelm me with** their ***halakhot.*** Nevertheless, **Sumakhos,**[P] a student of Rabbi Meir, **forced his way and entered** the house of study.

אָמַר לָהֶם, כָּךְ שָׁנָה לִי רַבִּי מֵאִיר: עַל אֵלּוּ טוּמְאוֹת הַנָּזִיר מְגַלֵּחַ – עַל הַמֵּת וְעַל כַּזַּיִת מִן הַמֵּת. כָּעַס רַבִּי יְהוּדָה וְאָמַר לָהֶן: לֹא כָּךְ אָמַרְתִּי לָכֶם: אַל יִכָּנְסוּ תַּלְמִידֵי רַבִּי מֵאִיר לְכָאן, מִפְּנֵי שֶׁקִּנְּאָתָנִין הֵן? עַל כַּזַּיִת מִן הַמֵּת מְגַלֵּחַ, עַל הַמֵּת לֹא כָּל שֶׁכֵּן?!

When they reached the topic of the mishna, Sumakhos **said to them: Rabbi Meir**[P] **taught me like this: A nazirite shaves for** becoming impure from **these** following sources of **ritual impurity: For** impurity imparted by **a corpse and for** impurity imparted by **an olive-bulk from a corpse. Rabbi Yehuda grew angry and said to** his disciples: **Didn't I say to you like this: Do not let the students of Rabbi Meir enter here because they are vexatious?** He explained his annoyance. The clause: For a corpse, is unnecessary, as, if a nazirite **must shave for** impurity imparted by **an olive-bulk from a corpse,** is it **not all the more so** that he must shave **for** impurity imparted by an entire **corpse?**

PERSONALITIES

Rabbi Yehuda – רַבִּי יְהוּדָה: When the Mishna refers to Rabbi Yehuda without any addition, it means Rabbi Yehuda, son of Rabbi Ilai, one of the greatest of the fourth-generation *tanna'im*. Rabbi Yehuda was one of the last five disciples of Rabbi Akiva, while his father, Rabbi Ilai, was a student of Rabbi Eliezer. Rabbi Yehuda studied Rabbi Eliezer's wisdom from his father. In his youth, he studied with Rabbi Tarfon, in whose name he cites *halakhot*, in addition to the other Sages of Yavne: Rabbi Eliezer, Rabbi Yehoshua, Rabban Gamliel, Rabbi Elazar ben Azarya, Rabbi Yishmael, and Rabbi Yosei HaGelili. Nevertheless, Rabbi Yehuda's foremost teacher was Rabbi Akiva, and it was in accordance with his opinion that he laid the foundations for the halakhic exegesis of Leviticus known as the *Sifra*, or *Torat Kohanim*. According to tradition, any unattributed statement in the *Sifra* is authored by Rabbi Yehuda. Rabbi Yehuda was ordained by Rabbi Yehuda ben Bava and is frequently quoted in aggadic statements alongside Rabbi Neḥemya. When there are differences of opinion between Rabbi Yehuda and Rabbi Meir, or between Rabbi Yehuda and Rabbi Shimon, the *halakha* is in accordance with the opinion of Rabbi Yehuda. His disciples included Rabbi Elazar, son of Rabbi Shimon; Rabbi Yishmael, son of Rabbi Yosei; and Rabbi Yehuda HaNasi. His son, Rabbi Yosei, was also a renowned Sage.

Sumakhos – סוּמָכוֹס: This full name of this *tanna* is Sumakhos ben Yosef. He lived in the last generation of *tanna'im*. Sumakhos was the outstanding disciple of Rabbi Meir and transmitted much of Rabbi Meir's knowledge to the subsequent generations. As Rabbi Meir's foremost disciple, Sumakhos made great efforts to explain Rabbi Meir's statements and clarify his opinions after his death. Like his master before him, Sumakhos was known for his fierce intellect, as the Talmud relates that he would provide forty-eight proofs for every *halakha* he discussed. It can be argued that he was the greatest Sage of his generation, as he would dispute even the greatest of *tanna'im*, including Rabbi Meir, Rabbi Yosei, and Rabbi Eliezer ben Ya'akov.

Rabbi Meir – רַבִּי מֵאִיר: Rabbi Meir was one of the greatest *tanna'im* of the generation that preceded the redaction of the Mishna. There is no clear information available concerning Rabbi Meir's parents, although it is told that he descended from a family of converts from the house of the Roman emperors.

Rabbi Meir's exceptional brilliance in Torah study was evident from a very early age, and he was a student of the two greatest scholars of the generation, Rabbi Yishmael and Rabbi Akiva. He was also the lone Sage who continued to study with Elisha ben Avuya, despite the latter's estrangement from Judaism. His primary teacher was Rabbi Akiva, who ordained him at a very young age, for which reason he was ordained a second time by Rabbi Yehuda ben Bava. In recognition of his outstanding scholarship, Rabbi Meir was officially appointed *ḥakham*, literally, wise man, a position third in importance after the *Nasi*, or the head of the Sanhedrin, and the president of the court. The halakhic discussions between him and his colleagues, Rabbi Yehuda, Rabbi Yosei, Rabbi Shimon, and Rabbi Elazar, form one of the most important foundations of the Mishna.

Rabbi Meir's greatest undertaking was apparently a structured, oral redaction of the Oral Law, including the establishment of specific formats for the *halakha*. Rabbi Yehuda HaNasi followed in Rabbi Meir's footsteps and incorporated his work in the Mishna. Consequently, it is a well-known principle that the author of an unattributed statement in the Mishna is Rabbi Meir. Due to his involvement in the attempt to depose the *Nasi* Rabban Shimon ben Gamliel, Rabbi Meir was punished, and for a long period his statements were not cited in his name but were introduced with the words: Others say.

Rabbi Meir's private life was full of suffering. His two sons passed away during his lifetime, and his extraordinary wife Berurya also died in painful circumstances. Nevertheless, it is known that one of his daughters survived. He was eventually forced into exile in Asia Minor, where he died, with the order that his coffin be transferred to Eretz Yisrael and that he be interred temporarily on the shore of the sea whose waves reach the Holy Land.

Rabbi Meir was famous in his lifetime not only for his sharp intellect, which exceeded that of all his peers, but also for his personal attributes, his efforts as a peacemaker, and his willingness to relinquish personal honor for the good of others. He was known as a magnificent public speaker. It is said that following his death, those who composed parables ceased (*Sota* 49a). Several of his animal fables were retold over the course of many generations. He was also renowned as a miracle worker, and for many years a charity fund named after him, Rabbi Meir Ba'al HaNes, literally, Rabbi Meir the miracle worker, served as the main source of funding for Jews in Eretz Yisrael.

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אָמַר רַבִּי יוֹסֵי: יֹאמְרוּ, מֵאִיר שָׁכַב, יְהוּדָה כָּעַס, יוֹסֵי שָׁתַק, תּוֹרָה מַה תְּהֵא עָלֶיהָ? אָמַר רַבִּי יוֹסֵי: לֹא נִצְרְכָה אֶלָּא לְמֵת שֶׁאֵין עָלָיו כַּזַּיִת בָּשָׂר. וְעַדַיִין יֹאמַר: עַל אֵבֶר מִמֶּנּוּ מְגֹלָּח, עַל כּוּלּוֹ לֹא כָּל שֶׁכֵּן?

Rabbi Yosei[P] **said:** Now **they will say: Meir is dead, Yehuda is angry,** and **Yosei remained silent** and did not respond. If so, **what will become of the Torah? Rabbi Yosei** therefore **said:** It is **not necessary** to teach that a nazirite must shave for impurity imparted by a corpse, **but** only that he must shave even **for** impurity imparted by **a corpse upon which there is not an olive-bulk of flesh.** The Gemara asks: **But one could still say:** If he must **shave for** impurity imparted by **a limb from** a corpse, even if it is less than an olive-bulk, as stated in the mishna, is it **not all the more so** that he must shave **for** impurity imparted by **all of** a corpse, even if it does not contain an olive-bulk of flesh?

אֶלָּא כְּדַאֲמַר רַבִּי יוֹחָנָן: לֹא נִצְרְכָה אֶלָּא לְנֶפֶל שֶׁלֹּא נִתְקַשְּׁרוּ אֵבָרָיו בִּגִידִין, הָכָא נַמִי – בְּנֶפֶל שֶׁלֹּא נִתְקַשְּׁרוּ אֵבָרָיו בִּגִידִין.

Rather, the mishna should be explained **as Rabbi Yoḥanan said,** with regard to a different issue: It is **necessary only for a miscarried fetus whose limbs had not** yet **become joined to** its **sinews.**[B] **Here too,** one can say that the mishna's statement that a nazirite must shave for impurity imparted by a corpse is referring **to a miscarried fetus whose limbs had not** yet **become joined**[H] **to** its **sinews.** Although it does not impart impurity through one of its limbs, as the limbs lack sinews and bones, this corpse itself does impart impurity.

רָבָא אָמַר: לֹא נִצְרְכָה אֶלָּא לִרְוֹב בְּנָיְינוֹ וּלְרוֹב מְנָיְינוֹ שֶׁאֵין בָּהֶן רוֹבַע עַצָמוֹת.

Rava said a different explanation: This ruling is **necessary only for the majority of the structure or the majority of the number**[BHN] of bones of a very small corpse, despite the fact **that** together **they do not contain a quarter-*kav* of bones.** Since these bones comprise the majority of the structure or the majority of the number of bones of a corpse, they have the status of a whole body. This *halakha* could not have been derived from the measure of impurity of part of the body, as this corpse is very small.

§ ״עַל כַּזַּיִת מֵת וְעַל כַּזַּיִת נֵצֶל״. וְאֵיזֶהוּ נֵצֶל – בְּשַׂר הַמֵּת שֶׁקָּרַשׁ, וּמוֹהַל שֶׁהִרְתִּיחַ.

§ The mishna taught: A nazirite shaves **for** impurity imparted by **an olive-bulk of a corpse and for** impurity imparted by **an olive-bulk of fluid.** The Gemara explains: **And what is fluid?**[H] This is referring to **flesh of the corpse that** liquefied and subsequently **congealed, and liquid** [***mohal***][BL] from the corpse **that** began **to boil** and then hardened.

BACKGROUND

A miscarried fetus whose bones had not formed – נֶפֶל שֶׁלֹּא נִתְקַשְּׁרוּ עַצְמוֹתָיו: The process of bone formation, by which cartilage turns into bone, begins during pregnancy and continues through childhood and adolescence until full adulthood. At certain periods during pregnancy, the fetus already has several bones, mostly in the skull, despite the fact that its muscles and sinews have not yet developed. These bones experience rapid decay upon the death of the fetus.

For the majority of the structure or the majority of the number – לִרְוֹב בְּנָיְינוֹ וּלְרוֹב מְנָיְינוֹ: A simple majority of 125 bones in the body might be a collection of especially small bones. The majority of the structure, i.e., large bones that comprise the majority of the skeleton, would be greater than a quarter-*kav* in volume in a full-grown person. Apparently the Gemara here is referring to the remains of a baby or a fetus, in which case the majority of bones in number or size would be less than a quarter-*kav* in volume.

Liquid – מוֹהַל: This might be referring to a corpse that lost a lot of blood, and it drained into one place. In that case, the red and white blood cells sink to the bottom and congeal relatively quickly, whereas the plasma remains in a liquid state for longer. Given enough time, the water in the plasma evaporates, while the remaining plasma congeals as well.

HALAKHA

A miscarried fetus whose limbs had not become joined – נֶפֶל שֶׁלֹּא נִתְקַשְּׁרוּ אֵבָרָיו: A miscarried fetus imparts ritual impurity through contact, through carrying, and in a tent, like the corpse of an adult, even if its limbs are not joined to its sinews. If a nazirite became impure in this manner, he is obligated to shave (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2 and *Sefer Tahara*, *Hilkhot Tumat Met* 2:1; 3:1).

For the majority of the structure or the majority of the number, etc. – לִרְוֹב בְּנָיְינוֹ וּלְרוֹב מְנָיְינוֹ וכו': If a nazirite came into contact with bones that constitute the majority of the number of bones in a body or the majority of the structure of a corpse, he becomes impure and must shave on their account, even if they amount to less than a quarter-*kav* (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2 and *Sefer Tahara*, *Hilkhot Tumat Met* 2: 8–9).

What is fluid [*netzel*] – אֵיזֶהוּ נֵצֶל: *Netzel* is flesh that has softened into a putrefied liquid. For a liquid to be considered *netzel*, it must eventually congeal; otherwise one cannot be sure it comes from the flesh and is not spittle or phlegm (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2 and *Sefer Tahara*, *Hilkhot Tumat Met* 2:1).

NOTES

For the majority of the structure or the majority of the number – לִרְוֹב בְּנָיְינוֹ וּלְרוֹב מְנָיְינוֹ: The phrase: The majority of the structure, means the majority of the five supports for the frame, i.e., the two shins, the two thighs, and the spine. The phrase: The majority of the number, means at least 125 bones, more than half of the 248 limbs in the human body. Some commentaries maintain that these bones need not be whole. If there are parts of bones that come from the majority of the structure or the majority of the number of limbs, this is enough to impart impurity (*Tosafot* on the mishna). Other commentaries disagree.

LANGUAGE

Liquid [*mohal*] – מוֹהַל: The term *mohal*, or *moḥal*, refers to a liquid that flows or seeps out of a solid and that is not the liquid that normally flows from it. The term is used in the case of olives to refer to fluid other than oil that flows from them. Likewise here, the *mohal* of a corpse is a liquid other than blood that seeps out of a corpse.

PERSONALITIES

Rabbi Yosei – רַבִּי יוֹסֵי: This is Rabbi Yosei ben Ḥalafta, one of the greatest of the *tanna'im*. He lived in the generation prior to the redaction of the Mishna, and his influence is evident throughout tannaitic literature. His father, known as Abba Ḥalafta, was also considered one of the great Sages of his generation, while his family, according to one tradition, was descended from Jehonadab, the son of Rechab (see II Kings 10:15).

In addition to studying with his father, Rabbi Yosei was an outstanding student of Rabbi Akiva. Rabbi Yosei and his contemporaries, namely, Rabbi Meir, Rabbi Yehuda, and Rabbi Shimon bar Yoḥai, were students of Rabbi Akiva, and they formed the center of talmudic creativity of that entire generation. In his halakhic approach, as in his way of life, Rabbi Yosei was moderate. He refrained from taking extreme positions on halakhic issues. A well-known principle is that Rabbi Yosei's opinions are based on sound reasoning, and because of his moderation and the logic of his teachings, the *halakha* is in accordance with his opinion in every instance of disagreement with his colleagues.

In addition to being a great master of *halakha*, Rabbi Yosei was also famous for his piety. The Talmud relates many stories about his modesty, humility, and sanctity. It is told that Elijah the prophet would reveal himself to him every day, and several conversations between him and Elijah are related in the Talmud. Rabbi Yosei was apparently the primary redactor of a series on the history of the Jewish people known as *Seder Olam Rabba*. For many years, he lived in Tzippori in the Galilee and earned his living as a tanner.

Many of the prominent Sages of the following generation, including Rabbi Yehuda HaNasi, the redactor of the Mishna, were his students. However, his main students were his five sons, all of whom were Sages in their generation. The most famous of them were Rabbi Eliezer, one of the great masters of *halakha*, and Rabbi Yishmael.

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BACKGROUND

His phlegm and his spittle – כִּיחוֹ וְנִיעוֹ: These are discharges principally from the fluids in the lungs that result from the common cold and the like, which people expectorate by coughing or spitting. Since the *halakha* does not regard these fluids as a part of the corpse, they do not impart ritual impurity like flesh. They impart impurity only in the manner of substances that come into contact with a corpse.

HALAKHA

Is there fluid with regard to animals – יֵשׁ נֵצֶל לִבְהֵמָה: If the flesh on a carcass liquefied and congealed, it is uncertain whether it imparts impurity from the size of an olive-bulk, like a carcass, as Abaye's dilemma was left unresolved (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 1:13).

A severe impurity until it becomes inedible for a dog – טוּמְאָה חֲמוּרָה עַד לַכֶּלֶב: If the flesh of a carcass putrefied to the extent that it is no longer fit to be eaten by a dog, it is ritually pure. The same applies to the carcass of a pure bird or that of a creeping animal. If it is fit for a dog, it is impure even if it is inedible for humans (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 3:11; 4:12 and *Sefer Tahara*, *Hilkhot Tumat Okhalin* 2:18).

הֵיכִי דָּמֵי? אִילֵימָא דְּלָא יָדְעִינַן דְּדִידֵיהּ הוּא, כִּי קָרֵשׁ מַאי הָוֵי? אֶלָּא דְּיָדְעִינַן דְּדִידֵיהּ הוּא – אַף עַל גַּב דְּלָא קָרֵשׁ!

The Gemara asks: **What are the circumstances** in which the congealment is a determinative factor in the imparting of impurity? **If we say that we do not know**[N] **that** the substance with which the nazirite came into contact **is** from the corpse, even **if** it **congealed, what of it? Rather,** you will say **that we know that it** came from the corpse. But then the nazirite should be impure **even though** it has **not congealed.**

אֲמַר רַבִּי יִרְמְיָה: בְּסְתָם, אִי קָרֵשׁ – מוֹהַל הוּא, לֹא קָרֵשׁ – דְּלָמָא כִּיחוֹ וְנִיעוֹ הוּא.

Rabbi Yirmeya said that this is referring **to an unspecified** substance that is definitely from the corpse but is not necessarily a substance that imparts impurity. One therefore examines the substance: **If** the substance eventually **congeals, it is liquid** from the corpse, which imparts impurity; if it does **not congeal, perhaps it is his phlegm and his spittle,**[BN] which do not impart impurity.

בָּעָא מִינֵּיהּ אַבַּיֵי מֵרַבָּה: יֵשׁ נֵצֶל לִבְהֵמָה אוֹ אֵין נֵצֶל לִבְהֵמָה? מִי אָמְרִינַן: גְּמִירִי נֵצֶל דְּאָתֵי מֵאָדָם, אֲבָל דְּאָתֵי מִבִּהֵמָה – לָא. אוֹ דִלְמָא לָא שְׁנָא?

§ With regard to the impurity of fluids from a corpse, **Abaye raised a dilemma before Rabba: Is there** the category of **fluid with regard to animals,**[H] **or is there no** category of **fluid with regard to animals?** In other words, does fluid from an animal carcass impart impurity like the animal carcass itself or not? The Gemara explains the two sides of the dilemma: **Do we say** that it **is learned** as a tradition that **fluid that comes from a person** is impure **but** fluid **that comes from an animal** is **not** impure? **Or perhaps** it **is no different,** as fluid from a corpse is always considered like the flesh itself?

הָנִיחָא לְמַאן דְּאָמַר טוּמְאָה חֲמוּרָה עַד לַגֵּר, וְטוּמְאָה קַלָּה עַד לַכֶּלֶב – שַׁפִּיר.

The Gemara comments: **This works out well according to the one who says** that a carcass imparts impurity by **a severe impurity,** through contact and carrying, only **until** the carcass becomes inedible **for a stranger,**[N] i.e., in order impart impurity it must be fit for human consumption. **And** the carcass imparts impurity by **a light impurity** that imparts impurity on food through contact **until** the carcass become inedible **for a dog.** According to this opinion, **it is well,** as the *halakha* of fluid certainly does not apply to an animal, since meat that has liquefied is no longer fit for human consumption.

אֶלָּא לְמַאן דְּאָמַר טוּמְאָה חֲמוּרָה עַד לַכֶּלֶב – מַאי אִיכָּא לְמֵימַר?

However, according to the one who says that a carcass imparts impurity by **a severe impurity until** it becomes inedible **for a dog,**[H] **what is there to say?** Since fluids from an animal carcass are presumably fit to be eaten by a dog, the above dilemma as to whether it is impure remains pertinent.

NOTES

If we say that we do not know – אִילֵימָא דְּלָא יָדְעִינַן: The early commentaries are puzzled by this passage. The situation in which we do not know where the liquid comes from is apparently the same as that involving an unspecified substance. How, then, does Rabbi Yirmeya's answer resolve the problem? It is probably for this reason that some commentaries explain that the phrase: We do not know, means: We know that it is not, i.e., if it is clear that the substance is not from the corpse, it certainly does not impart impurity (Commentary on *Nazir*). Rabbi Yirmeya answers that the substance is unspecified and this is an uncertain case. Many commentaries explain that the Gemara's suggestion that we do not know means that it is unknown whether the liquid came from the corpse itself or was merely found there by chance. In that case, it certainly does not impart impurity merely due to the possibility that it was from the body. According to this opinion, Rabbi Yirmeya answers that the substance definitely came from a corpse. However, we are unaware of its nature, whether it is a substance that imparts impurity or whether it is spittle (*Tosafot*).

His phlegm and his spittle – כִּיחוֹ וְנִיעוֹ: The commentaries explain that spittle is moisture emitted from the mouth by coughing, while phlegm refers to a substance that comes from the body itself, which accumulates in the mouth and throat (Rabbeinu Todros).

Until for a stranger, etc. – עַד לַגֵּר וכו': These classifications are derived from two relevant verses. The first states: "You shall not eat any animal carcass; you may give to the stranger who is within your gates, that he may eat it, or sell it to a foreigner" (Deuteronomy 14:21), which indicates that in order to impart impurity a carcass must be edible for a stranger (see Leviticus 11:39–40). The other verse states: "You shall not eat any flesh that is torn [*tereifa*] of beasts in the field; you shall cast it to the dogs" (Exodus 22:30), which teaches that meat that has deteriorated to the extent that it can no longer be eaten by a dog does not impart impurity at all. A *tereifa* animal, i.e., one that will die within twelve months, is considered a *neveila*, an animal carcass, once it is dead. The dispute concerns the impurity of a carcass: Does it lapse when the meat is no longer fit for humans, as the "stranger" mentioned in the verse is a *ger toshav*, a resident alien who has accepted some of the *halakhot* of the Torah but for whom it is not prohibited to eat carcasses? Or, does it retain its status of impurity as long as it is fit to be eaten by dogs?

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תָּא שְׁמַע: הִמְחוּהוּ בָּאוּר – טָמֵא, בַּחַמָּה – טָהוֹר. וְאִי סָלְקָא דַּעְתָּךְ עַד לַכֶּלֶב – אֲפִילּוּ בַּחַמָּה נַמִי!

The Gemara answers: **Come** and **hear** a resolution from the *Tosefta* (*Zavim* 5:9): The fat of an animal carcass **that** someone **liquefied in fire is** still **impure.**[H] However, if it melted **in the sun,** which impairs its taste, it is **pure. And if it enters your mind** that according to the opinion that a carcass imparts impurity **until** it becomes inedible **for a dog** the impurity of fluids does apply to an animal carcass, if so, **even** fat that dissolved **in the sun** should **also** be impure. Even if its taste is spoiled, it remains edible for a dog.

אֵימַת מְמַחֵי לֵיהּ – בָּתַר דְּאַסְרוּחַ בַּחַמָּה, כֵּיוָן דְּאַסְרַח – הֲוָה לֵיהּ עָפָר.

The Gemara answers: **When does** this fat **liquefy? After it has putrefied,** which is why it was thrown out, at which point it melted **in the sun.** However, **once it putrefied, it had** already **become** like **dust** and lost any status of ritual impurity it once had. Once it has melted, it is no longer edible for a dog. Consequently, this source provides no proof.

תְּנַן: כָּל הַנִּצּוֹק טָהוֹר,

§ The Gemara discusses a related issue. **We learned** in a mishna (*Makhshirin* 5:9): **Anything that is poured** remains **ritually pure.**[H] In other words, if one pours liquid from one vessel into another, the stream of liquid is not considered to connect the two vessels. Consequently, if the upper vessel and its contents are pure, they do not become impure even if the lower vessel into which the liquid is poured is impure. The stream of liquid does not link them in this manner.

חוּץ מִדְּבַשׁ הַזִּיפִים וְהַצַּפִּיחִית.

The mishna adds: This is the case for all liquids **except for *zifim* honey,**[HB] a very thick type of honey, **and batter,**[N] e.g., flour mixed with honey. Since these substances are highly viscous, they are not considered liquids. Rather, they are a kind of soft solid food, which means that they are a single unit that links the two vessels with regard to impurity.

HALAKHA

That someone liquefied in fire is impure, etc. – הִמְחוּהוּ בָּאוּר טָמֵא וכו׳: If the fat of the carcass of a pure bird was liquefied by fire and someone swallowed it, he is ritually impure. The Meiri writes that the same *halakha* applies in the case of the fat from the carcass of an impure animal. If it melted in the sun he is pure, as it was putrefied by the sun, as stated in the *baraita* (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 3:10).

Anything that is poured remains ritually pure – כָּל הַנִּיצּוֹק טָהוֹר: A stream of liquid does not connect two items for the purposes of ritual impurity. Consequently, if pure liquid was poured into an impure vessel, the stream remains pure. However, if the lower vessel is hot and the upper one is cold, the hot fumes rise and mingle with the stream and the contents of the upper vessel, thereby imparting impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 7:1).

Except for *zifim* honey, etc. – חוּץ מִדְּבַשׁ הַזִּיפִים וכו׳: A stream of *zifim* honey or honey batter connects two items with regard to impurity, even if they are cold and are poured into a cold dish. This is because they stretch out like glue (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 7:4).

NOTES

And batter – וְהַצַּפִּיחִית: According to most commentaries, this refers to a dough of honey and various types of flour. Alternatively, it is honey extracted directly from the hive, which contains a mixture of wax and is therefore very thick (*Tosafot*).

BACKGROUND

***Zifim* honey – דְּבַשׁ הַזִּיפִים:** *Zifim* honey is a certain variety of honey produced in the town of Zif, a biblical settlement identified today as Tel Zif in the area of Hebron. According to Rav Hai Gaon, there are several species of insects that produce honey, including the wild bee and the wasp. The honey they produce is kosher. Apparently, *zifim* honey was thicker than standard bee honey and did not pour as easily.



Tel Zif



Location of Zif

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HALAKHA

Is there not a stream for food – אֵין נָזוּק לְאוֹכָלִין: The stream of *zifim* honey and batter connects two items, as these have drippings that stretch out like glue. Consequently, a stream of food does not connect in this manner, even if it is viscous, e.g., beans or melted fat, because it is not held together with a flow of this kind. This ruling is in accordance with the unattributed opinion in the mishna (Rambam *Sefer Tahara*, *Hilkhot Tumat Okhalin* 7:4).

Fat of a corpse that was whole, etc. – חֵלֶב הַמֵּת שֶׁהוּא שָׁלֵם וכו׳: An olive-bulk of fat from a corpse that was melted down is ritually impure. If the fat separated into small pieces that were melted together, it is pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:6).

בֵּית שַׁמַּאי אוֹמְרִים: אַף הַמִּקְפָּה שֶׁל גְּרִיסִין וְשֶׁל פּוֹל, מִפְּנֵי שֶׁהִיא סוֹלֶדֶת לַאֲחוֹרֶיהָ.

Beit Shammai say: Even the stream **of a stew** made of **crushed and broken beans or of whole beans** also connects two items **because it returns backward.** When one stops pouring this stew, part of the dish reverts to its place of origin, and therefore the stream is considered a single unit.

בָּעֵי רָמִי בַּר חָמָא: יֵשׁ נָזוּק לְאוֹכָלִין אוֹ אֵין נָזוּק לְאוֹכָלִין? מִי אָמְרִינַן מִשּׁוּם דְּאִית בְּהוּ רִירֵי – וְהָנֵי לֵית בְּהוּ רִירֵי, אוֹ דִלְמָא מִשּׁוּם דְּסָמִיכִין הוּא – וְהָכָא הָא סָמִיכִין?

§ **Rami bar Ḥama raises a dilemma:** According to the opinion of the Rabbis that in general, poured liquid does not serve to connect, **is there a stream for food, or is there not a stream for food?**[H] If one pours melted food into an impure vessel, does the food which one is pouring become impure? The Gemara explains the two sides of the dilemma: **Do we say** that *zifim* honey and batter connect different items **because they have a flow** that returns backward, **and these** regular foods **do not have a flow**[N] that returns backward? **Or, perhaps** the reason why *zifim* honey and batter connect is **because they are viscous, and here** the melted foodstuffs **are** also **viscous.**

אֲמַר רָבָא, תָּא שְׁמַע: חֵלֶב הַמֵּת שֶׁהוּא שָׁלֵם וְהִתִּיכוֹ – טָמֵא, הָיָה מְפוֹרָד וְהִתִּיכוֹ – טָהוֹר. וְאִי סָלְקָא דַּעְתָּךְ אֵין נָזוּק לְאוֹכָלִין, שָׁלֵם וְהִתִּיכוֹ נַמִּי לִיטָּהֵר!

Rava said: Come and **hear** a resolution from the *Tosefta* (*Oholot* 4:3): If there was **fat of a corpse that was whole**[H] and contained an olive-bulk, **and one melted it,** it is **ritually impure.** If from the outset the fat **was separated** into pieces smaller than an olive-bulk, which do not impart impurity, **and one melted it,**[N] so that it combined into an olive-bulk in its melted state, it is **pure. And if it enters your mind** that **there is no stream for food,** even if it was **whole and one melted it, it should also be pure,**[N] as it became liquid and spread throughout the pan. Consequently, each part should be considered separate, which means the food is not the size of an olive-bulk.

אָמַר רַבִּי זֵירָא: אֲנָא וּמָר בְּרֵיהּ דְּרָבִינָא תַּרְגִּימְנָא: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן דְּבַהֲדֵי דְּמַרְתַּח לֵיהּ סָלֵיק עַמּוּדָא דְּנוּרָא לְפוּמֵּיהּ דְּמָנָא וְקָרֵשׁ, דְּאִיתֵּיהּ כּוּלָּא גַּבֵּי הֲדָדֵי.

Rabbi Zeira said: I and Mar, son of Ravina, explained it: **With what are we dealing here?** With a case **where as he was heating it, the column of fire rose** from under the pan **to the mouth of the vessel, and** the fat **congealed** there, **so that it was all** present **together,** i.e., there was no stream at all.

אָמַר לֵיהּ רָבִינָא לְרַב אַשִׁי, תָּא שְׁמַע: בֵּית שַׁמַּאי אוֹמְרִים: אַף הַמִּקְפָּה שֶׁל גְּרִיסִין וְשֶׁל פּוֹל, מִפְּנֵי שֶׁהֵן סוֹלְדִין לַאֲחוֹרֵיהֶן. מִידֵּי אִירְיָא? הָתָם – מִשּׁוּם דְּסָמִיכִין, הָכָא – מִשּׁוּם רִירֵי.

Ravina said to Rav Ashi: Come and **hear** a resolution from the mishna to the question of whether food is considered a stream. **Beit Shammai say: Even** the stream of **a stew made of crushed and broken beans or of whole beans** also connects two items **because it returns backward.** This indicates that the dispute in the mishna is whether or not stew meets the criteria of returning backward, and the Rabbis hold that honey and anything like it, which return backward, are considered a stream. Rav Ashi replied: **Are the cases comparable? There,** in the case of honey, one might suggest it is a stream **because** it **is viscous.**[N] **Here,** with regard to the stew, the reason Beit Shammai rule stringently is **due to** the **flow,** which returns backward. The Rabbis do not agree that this is a factor at all.

NOTES

Because they have a flow, and these do not have a flow, etc. – דְּאִית בְּהוּ רִירֵי וְהָנֵי לֵית בְּהוּ רִירֵי וכו׳: There are conflicting opinions as to whether this question is referring to the unattributed mishna, in which case this means that the *zifim* honey has a flow, or whether the difficulty refers to the opinion of Beit Shammai, and the reference is to the bean stew (see Commentary on *Nazir*). Either way, the issue is whether the stream is considered connected due to its flow or because it is a thick liquid.

If the fat was separated and one melted it – הָיָה מְפוֹרָד וְהִתִּיכוֹ: Since it was separated from the outset, its pieces, which were less than an olive-bulk, do not impart impurity. Admittedly, the parts that were joined together when they were melted in the fire now form a piece larger than an olive-bulk, but an artificial combination is not relevant for ritual impurity. See *Tosafot* for a comparison between this *halakha* and other cases of half-measures that combine with regard to ritual impurity.

If it was whole and one melted it, it should also be pure – שָׁלֵם וְהִתִּיכוֹ נַמִּי לִיטָּהֵר: According to *Tosafot* and one explanation in the Commentary on *Nazir*, this is referring to one who melts the fat in a pan, in which case the liquid flows from one side of the vessel to the other, thereby becoming separated into pieces less than an olive-bulk in size, unless the pieces are considered to be combined by means of the stream. Alternatively, according to the Meiri and a second explanation in the Commentary on *Nazir*, after melting the fat, one poured it into a different vessel. If a stream is not considered connected, the act of pouring should cause its parts to detach from each other, and it should be considered pure, as the parts cannot be artificially combined at this point.

There it is because it is viscous – הָתָם מִשּׁוּם דְּסָמִיכִין: Two interpretations are cited by the Commentary on *Nazir*. According to the first interpretation, Ravina is saying that the dilemma of Rami bar Ḥama as to whether foods have a stream is referring to viscous fluids, whereas Beit Shammai are speaking of lentils that have a flow that returns backward. According to the second interpretation, Ravina is speaking of the unattributed opinion in the mishna, i.e., that honey as opposed to other foodstuffs contains a flow. Other commentaries maintain that Ravina thought that the main reason a stream connects is due to its flow, and that the dispute between Beit Shammai and the unattributed mishna concerns the relevant amount, whether a substantial flow is required, as with honey, or whether the lesser flow of bean stew suffices. The subsequent answer is that this case offers no proof at all, as the ruling of the unattributed mishna might be based on the viscous quality of honey, whereas Beit Shammai maintain that even something less viscous also connects by means of a stream, if it has a lesser flow (*Tosafot*).

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״וְעַל מִלְּא תַּרְוּוד רָקָב״. וְכַמָּה שִׁיעוּרוֹ? חִזְקִיָּה אָמַר: מְלֹא פִּיסַּת הַיָּד, רַבִּי יוֹחָנָן אָמַר: מְלֹא חָפְנָיו. תְּנַן: מְלֹא תַּרְוּוד רָקָב שֶׁאָמְרוּ יְשָׁנָן מֵעִיקָּר אֲצְבָעוֹת וּלְמַעְלָה, דִּבְרֵי רַבִּי מֵאִיר. וַחֲכָמִים אוֹמְרִים: מְלֹא חָפְנָיו.

§ The mishna taught: **And for** impurity imparted by **a full ladle of dust.** The Gemara inquires: **And how much is** this **measure** of a full ladle of dust? **Ḥizkiyya said: A full palm of the hand. Rabbi Yoḥanan said: His handfuls,**[NHB] i.e., the amount that can be held in the whole hand, including the fingers. The Gemara cites a relevant source. **We learned** in the *Tosefta* (*Oholot* 2:2): **The full ladle of dust that** the Sages **spoke of includes** all that can be contained **from the base** of the **fingers and above;** this is **the statement of Rabbi Meir. And the Rabbis say: His handfuls.**

בְּשִׁלְמָא רַבִּי יוֹחָנָן – הוּא דַּאֲמַר כְּרַבָּנַן. אֶלָּא חִזְקִיָּה כְּמַאן? לָא כְּרַבִּי מֵאִיר וְלָא כְּרַבָּנַן! אָמְרִי: מְלֹא פִּיסַּת הַיָּד וּמְלֹא קְשָׁרֵי אֶצְבְּעוֹתָיו לְמַעְלָה – חַד שִׁיעוּרָא הוּא.

Granted, Rabbi Yoḥanan spoke in accordance with the opinion of **the Rabbis. But** in accordance **with whose** opinion **did Ḥizkiyya** state his opinion? His ruling is **neither in accordance with** the opinion of **Rabbi Meir nor in accordance with** that of **the Rabbis.** The Rabbis require his handfuls, Rabbi Meir refers only to the amount contained in the fingers themselves, while Ḥizkiyya rules that it is the amount that can rest on the palm of a hand. The Sages **say** in response that Ḥizkiyya's amount of **a full palm of** his **hand and** Rabbi Meir's measurement of **a full** amount of **his finger joints** from the palm of the hand **and above are one** and the same **measure.**

אֲמַר לֵיהּ רַב שִׁימִי בַּר אַדָּא לְרַב פַּפָּא: מַמַּאי דְּהַאי מִקְּשָׁרֵי אֶצְבְּעוֹתָיו וּלְמַעְלָה לְרֹאשׁ? דִּלְמָא לְמַטָּה מִדִּידֵיהּ, דַּהֲוָה לֵיהּ מְלֹא פִּיסַּת הַיָּד! תֵּיקוּ.

The Gemara raises a difficulty with regard to the basis of the question directed toward the opinion of Ḥizkiyya. **Rav Shimi bar Adda said to Rav Pappa: From where** do we know **that this** amount specified by Rabbi Meir: **From his finger joints and above,** means **toward the ends** of the fingers? **Perhaps** it is referring **to below it,** toward the arm, **in which** case **it is** exactly the same as Ḥizkiyya's amount: **A full palm of the hand.** If so, this *baraita* presents no difficulty to Ḥizkiyya at all. No answer was found, and the Gemara says that the question **shall stand** unresolved.

NOTES

His handfuls – מְלֹא חָפְנָיו: Some commentaries maintain that this means the entire amount that can be held in one hand, including the palm and fingers (Commentary on *Nazir*). The Jerusalem Talmud apparently understands this term similarly. Others rule that it is referring to the amount that can be contained in two hands held together (Rambam).

HALAKHA

His handfuls – מְלֹא חָפְנָיו: If the bones of a corpse have decayed into dust in the grave, a handful of that dust, which is the amount of a full ladle, imparts impurity through carrying and as a tent, and a nazirite must shave on its account. However, it does not impart impurity through touch. The *halakha* is in accordance with the opinion of Rabbi Yoḥanan with regard to the amount of a full ladle (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:11 and *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2, 5).

BACKGROUND

His handfuls [*melo ḥofnav*] – מְלֹא חָפְנָיו: The expression *melo ḥofnav*, the amount that fits into two hands when cupped together, is mentioned in the Torah in reference to the burning of the incense in the Holy of Holies on Yom Kippur (Leviticus 16:12). No precise measurement is stated. Rather, this is the amount that fits into the hands of the High Priest serving on that day. Other measurements are based on parts of the body, e.g., a fingerbreadth and a handbreadth. They were used frequently and became standardized according to the size of an average hand. By contrast, the handfuls mentioned here are a measurement that was not standardized with any precision. In any event, the amount that fits into the cupped hands of an average-sized individual is twice the amount that fits into one open hand.

Perek **VII**
Daf **51** Amud **a**

תָּנוּ רַבָּנַן: אֵיזֶהוּ מֵת שֶׁיֵּשׁ לוֹ רָקָב – מֵת שֶׁנִּקְבַּר עָרוֹם בְּאָרוֹן שֶׁל שַׁיִשׁ, אוֹ עַל גַּבֵּי רִצְפָּה שֶׁל אֲבָנִים, זֶהוּ מֵת שֶׁיֵּשׁ לוֹ רָקָב. נִקְבַּר בִּכְסוּתוֹ, בְּאָרוֹן שֶׁל עֵץ, אוֹ עַל גַּבֵּי רִצְפָּה שֶׁל לְבֵנִים – זֶהוּ מֵת שֶׁאֵין לוֹ רָקָב.

§ The mishna taught that one of the sources of ritual impurity for which a nazirite must shave is a full ladle of dust from a corpse. **The Sages taught** (*Tosefta*, *Oholot* 2:3): **Which is a corpse that has** the *halakha* of **dust,**[H] i.e., whose dust imparts impurity? **A corpse that was buried naked in a marble coffin or on a stone floor; this is a corpse that has** the *halakha* of **dust** that imparts impurity. Any dust found there must have come from the corpse. However, if it was **buried in its cloak,** or **in a wooden coffin, or on a brick floor, this is a corpse that does not have** the *halakha* of **dust** that imparts impurity. In the latter cases it is assumed that the dust from the corpse includes particles from the clothes, wood, or bricks that disintegrated, and there is a tradition that the impurity of dust applies only to dust that comes solely from the corpse, not to a mixture from different sources.

HALAKHA

A corpse that has dust – מֵת שֶׁיֵּשׁ לוֹ רָקָב: The dust of a corpse imparts impurity only if the deceased was buried without clothes in a marble or glass coffin, or one of similar material, and the corpse was not lacking a limb. However, if the corpse was buried in a robe or in a wooden or metal coffin, or if was lacking a limb, its dust does not impart impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:3 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:4).

אָמַר עוּלָּא: אֵין רָקָב אֶלָּא הַבָּא מִן הַבָּשָׂר וּמִן הַגִּידִים וּמִן הָעֲצָמוֹת. אֵיתִיבֵיהּ רָבָא לְעוּלָּא: רָקָב הַבָּא מִן הַבָּשָׂר – טָהוֹר. הָא מִן הָעֶצֶם – טָמֵא, וְאַף עַל גַּב דְּלֵיכָּא בָּשָׂר! אֵימָא הָכִי: רָקָב הַבָּא מִן הַבָּשָׂר – טָהוֹר, עַד שֶׁיֵּשׁ עֶצֶם בַּבָּשָׂר.

With regard to the same issue, **Ulla said: Dust is only that which comes from the flesh and from the sinews and from the bones** of the corpse together, but not if it came from one of these alone. **Rava raised an objection to Ulla** from the following *baraita*: **Dust that comes from the flesh is pure.** It can be inferred from here that if it comes **from the bone it is impure, even though there is no** dust of **flesh** mixed with it. Ulla replied: You **should say** and infer **like this: Dust that comes from the flesh is pure, unless there is bone in the flesh.**

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הָא לֵיכָּא גִּידִים! אִי אֶפְשָׁר לְבָשָׂר וְלַעֲצָמוֹת בְּלֹא גִּידִים.

Rava continued to question Ulla's opinion: Even if one interprets the *baraita* in this manner, **there is no** mention of **sinews** here at all, and Ulla maintains that sinews must also contribute to the makeup of part of the dust. Ulla replied that there is no need to mention sinews explicitly, as **it is impossible for** there to be **flesh and bones without sinews.**[B] Once it is established that the dust is from bones and flesh, it necessarily includes sinews as well.

אָמַר רַב שְׁמוּאֵל בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: שְׁנֵי מֵתִים שֶׁקְּבָרָן זֶה עִם זֶה – נַעֲשׂוּ גַּלְגַּלִּין זֶה לָזֶה. מְתִיב רַב נָתָן: רָקָב הַבָּא מִשְּׁנֵי מֵתִים טָמֵא!

§ The Gemara continues to discuss the dust of a corpse. **Rav Shmuel bar Abba said** that **Rabbi Yoḥanan said: Two corpses**[H] **that were buried with one another become a mixture** [*galgallin*][NL] **with one another.** Their dust is considered mixed together and does not impart the impurity of the dust from a single corpse. **Rav Natan raises an objection** to this opinion: But it is taught that **dust that comes from two corpses**[H] **is impure.**

אָמַר רָבָא: שֶׁקְּבָרוּ זֶה בִּפְנֵי עַצְמוֹ וְזֶה בִּפְנֵי עַצְמוֹ, וְהִרְקִיבוּ וְעָמְדוּ עַל מְלֹא תַּרְוָוד רָקָב.

Rava said: That *baraita* is referring to a case **where they buried this** corpse **by itself and that** corpse **by itself, and they decayed** separately, **and they** both **stood at,** i.e., yielded the amount of, **a full ladle of dust.** In this situation, the dust imparts impurity despite the fact that it is not from a single corpse, as the status of dust from a corpse initially applied to each corpse. However, if the corpses decayed together they are considered to be mixed together, which means that their dust does not impart impurity.

אָמַר רַבָּה בַּר בַּר חָנָה אָמַר רַבִּי יוֹחָנָן: גָּזַז שְׂעָרוֹ וּקְבָרוֹ עִמּוֹ – נַעֲשָׂה לוֹ גַּלְגַּלִּין. תְּנַן הָתָם: כֹּל שֶׁבַּמֵּת – טָמֵא, חוּץ מִן הַשִּׁינַּיִם וְהַשֵּׂעָר וְהַצִּפָּרְנַיִם, וּבִשְׁעַת חִיבּוּרָן כּוּלָּן טְמֵאִין.

The Gemara cites a further statement with regard to dust of a corpse. **Rabba bar bar Ḥana said** that **Rabbi Yoḥanan said:** If one **cut the hair** of a corpse[H] **and buried** the hair **with it,** the hair **becomes** part of the **mixture for** the dust, and it does not impart impurity. In relation to the above, the Gemara states: **We learned** in a mishna **there** (*Oholot* 3:3): **Everything that is in a corpse** is **impure,**[H] **except for the teeth, the hair, and the nails,** which do not impart impurity as part of the body. **But when they are attached** to the corpse, **they are all impure.**

בָּעֵי חִזְקִיָּה: שְׂעָרוֹ הָעוֹמֵד לְגַלֵּחַ, צִפָּרְנוֹ הָעוֹמֶדֶת לִיגָּזֵז, מַאי? מִי אָמְרִינַן: כָּל הָעוֹמֵד לִיגָּזֵז כִּגְזוּז דָּמֵי, אוֹ דִּלְמָא הָשְׁתָּא מִיהָא הָא מְחוּבָּרִין?

With regard to this *halakha*, **Ḥizkiyya raised a dilemma:** If **hair** of a corpse **is ready to be shaved,**[N] or its **nail is ready to be cut, what** is the *halakha*? **Do we say** that **anything that is ready to be cut is considered cut,** and therefore these are considered detached from the body and do not impart impurity? **Or, perhaps now, in any event, they are attached,** and therefore they should impart impurity?

וְנִיפְשׁוֹט לֵיהּ מִדְּרַבָּה בַּר בַּר חָנָה; טַעֲמָא – מִשּׁוּם דְּגָזַז, הָא לָא גָּזַז – לָא! הָכִי קָאָמַר: גָּזַז – הֲרֵי זֶה גַּלְגַּלִּים, לָא גָּזַז – מִיבָּעֵי לֵיהּ.

The Gemara asks: **And let** Ḥizkiyya **resolve** this dilemma **from** the aforementioned statement of **Rabba bar bar Ḥana,** that hair buried with a corpse forms a mixture with the corpse. The inference is as follows: **The reason** that it forms a mixture is **because he cut** the hair, from which it may be inferred if he did **not cut** the hair it would **not** form a mixture, even if it was ready to be cut. The Gemara rejects this argument: One can respond that **this is what** Rabba bar bar Ḥana **is saying:** If he **cut** it, **it** definitely forms **a mixture;** if he did **not cut** it, Rabba bar bar Ḥana is unsure as to the *halakha* and **he raises** this case as **a dilemma.**[H]

BACKGROUND

It is impossible for there to be flesh and bones without sinews [*gidim*] – אִי אֶפְשָׁר לְבָשָׂר וְלַעֲצָמוֹת בְּלֹא גִּידִים: The word *gidim* is used by the Sages as a general term for all tube-shaped tissues that connect or serve as channels between different parts of the body. Larger parts of various systems that serve very different functions in the body, e.g., veins and arteries in the pulmonary system, visible nerves such as the sciatic nerve in the nervous system, and tissues connecting the bones, are all included in the category of *gidim*. For this reason, it is inconceivable that a bone that is covered with some flesh would not contain at least part of one of these systems. It would often contain a significant amount of them, which is why the Sages said that it is impossible for there to be flesh and bones without sinews.

HALAKHA

Two corpses, etc. – שְׁנֵי מֵתִים וכו': The dust of two corpses buried together does not impart impurity, in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:5).

Dust that comes from two corpses – רָקָב הַבָּא מִשְּׁנֵי מֵתִים: A double handful of dust from two corpses combine, if the *halakha* of the dust of a corpse applies to both corpses (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:3).

If one cut the hair of a corpse, etc. – גָּזַז שְׂעָרוֹ וכו': If the hair or nails of a corpse is cut and buried with the body, its dust does not impart impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:5 and *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4).

Everything that is in a corpse is impure, etc. – כֹּל שֶׁבַּמֵּת טָמֵא וכו': All parts of a corpse impart ritual impurity, apart from the teeth, hair, and nails, as they are replaced as one grows. This ruling applies only if they were detached from the corpse. However, they do impart impurity when joined to the body. For example, if, at the time of death, the corpse was outside a house but its hair trailed inside, the contents of the house are rendered impure with the impurity of a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:13).

If he did not cut it, he raises this case as a dilemma – לָא גָּזַז מִיבָּעֵי לֵיהּ: It is uncertain whether or not hair of a corpse ready to be cut, and nails ready for removal, are considered part of the body. Consequently, it is uncertain whether one who touches them is impure, as Ḥizkiyya's dilemma remains unresolved (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:13).

NOTES

Mixture [*galgallin*] – גַּלְגַּלִּין: It is clear from the context that *galgallin* nullifies the *halakha* of the dust of a corpse. However, the early commentaries dispute the meaning and significance of this term. Some explain that *galgallin* means something that rolls [*mitgalgel*], i.e., a foreign substance mingled with the dead matter (Commentary on *Nazir*). Others claim that it refers to a kind of shroud rolled around a corpse (*Arukh*). Yet others state that it means dust [*gal*] mixed with substances from the corpse. Alternatively, is related to *gilgul*, a cause; in other words, *galgallin* is a substance that causes the *halakha* of dust of a corpse to be negated (*Tosafot*, citing *Arukh*; Meiri; *Shita Mekubbetzet*).

Hair is ready to be shaved – שְׂעָרוֹ הָעוֹמֵד לְגַלֵּחַ: The commentaries are unsure as to the meaning of Ḥizkiyya's question. Is he asking about impurity itself, whether hair of this kind imparts impurity like that of a corpse, or is he is referring to the *halakha* of a mixture, i.e., if the hair is not considered part of the body, is the rest of the dust of the corpse pure, as it has another substance mixed with it (*Tosafot*)? The early commentaries dispute whether the discussion in the Gemara lends support to one or the other of these interpretations.

LANGUAGE

Mixture [*galgallin*] – גַּלְגַּלִּין: The commentaries are divided with regard to the correct version and the meaning of this term. Some accept the versions that appear in several manuscripts, of either *gangillin* or *ganginon*. The meaning and derivation of these words is not at all straightforward. It can be argued that they are derived from the Greek γαγγλίον, *ganglion*, which generally means either a small cystic or nerve growth. Others suggest that they come from γάγγραινα, *gangraina*, decayed or gangrenous flesh. Some say they are from the Greek γάγγαμον, *gangamon*, meaning both net and navel, while yet others suggest the Latin cingulum, a belt or sash.

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בָּעֵי רַבִּי יִרְמְיָה: רָקָב הַבָּא מִן הָעֶקֶב, מַהוּ? כִּי גָּמְרִינַן – רָקָב הַבָּא מִכּוּלֵּיהּ מֵת, אֶבֶל דְּאָתֵי מִן עָקֵב – לָא, אוֹ דִלְמָא לָא שְׁנָא?

§ **Rabbi Yirmeya raised** another **dilemma** concerning the dust of a corpse: With regard to **dust that comes from the heel,**[BN] **what is** the *halakha*? The Gemara explains the two sides of the dilemma: Do we say that **when we learn** this *halakha* through tradition, is it only in reference to **dust that comes from all** of **a corpse, but** with regard to dust **that comes from** its **heel, no,** this *halakha* does not apply; **or perhaps** it **is no different?**

תָּא שְׁמַע, דְּתָנֵי רַבִּי נָתָן בְּרֵיהּ דְּרַבִּי אוֹשַׁעְיָא: רָקָב הַבָּא מִשְּׁנֵי מֵתִים – טָמֵא. וְאִי סָלְקָא דַּעְתָּךְ הַבָּא מִן הָעֶקֶב לָא, זִיל הָכָא – דִּלְמָא דֶּרֶךְ עָקֵב קָאָתֵי, וְהָכָא – דִּלְמָא דֶּרֶךְ עָקֵב קָאָתֵי!

The Gemara suggests a resolution of this dilemma: **Come** and **hear, as Rabbi Natan, son of Rabbi Oshaya, taught: Dust that comes from two corpses** is **impure. And if it enters your mind** that dust **that comes from the heel** does **not** impart impurity, **go here** and consider that **perhaps** the dust **came from the heel,**[N] **and** go **here** too and consider that **perhaps** it **came from the heel.** The fact that the dust is considered definitely impure shows that dust from the heel imparts impurity as well.

אִי דְּאִירְקִיב כּוּלֵּיהּ מֵת וְקָאָתֵי דֶּרֶךְ עָקֵב – הָכִי נַמִּי. אֶלָּא הָכָא כְּגוֹן דְּאִירְקִיב חַד אֵבֶר, וְקָאָתֵי דֶּרֶךְ עָקֵב, מַאי? תֵּיקוּ.

The Gemara rejects this argument: **If the entire corpse decayed and** the dust **came from the heel, so too,** it is all impure, as the dust of the heel is not considered to be a foreign substance. **Rather, here** Rabbi Natan is referring to a case **where one limb decayed**[N] **and** the dust **came from** the **heel.** It was with regard to this situation that Rabbi Yirmeya asked: **What** is its *halakha*? Does this dust impart impurity or not? No answer was found, and therefore the Gemara states that the dilemma **shall stand** unresolved.

בָּעֵי רַבִּי יִרְמְיָה: עוּבָּר בִּמְעֵי אִשָּׁה הָוֵי גַּלְגַּלִּים אוֹ לָא? כֵּיוָן דְּאָמַר מָר עוּבָּר יֶרֶךְ אִמּוֹ – הִלְכָךְ גּוּפָהּ הוּא, וְלָא הָוֵי גַּלְגַּלִּין. אוֹ דִלְמָא כֵּיוָן דְּסוֹפוֹ לָצֵאת – מִיפְרַשׁ פָּרִישׁ מִינָּהּ. וְאִם תִּמְצֵי לוֹמַר עוּבָּר דְּסוֹפוֹ לָצֵאת מִיפְרַשׁ פָּרִישׁ מִינָּהּ,

§ **Rabbi Yirmeya raised** yet another **dilemma: Does** a dead **fetus in its** dead **mother's womb** form **a mixture** with regard to her, so that the bodies are considered like two corpses buried together, **or not?** The Gemara explains the two sides of the dilemma: Do we say that **since the Master said** that **a fetus is** considered as **the thigh of its mother, it is therefore** like **her body and it** does **not** form **a mixture** with it? **Or perhaps** one should maintain: **Since** in most cases a fetus **will ultimately emerge**[H] from the womb at birth, it is already considered **separated from her,** and it is like any other corpse buried with the woman. **And if you say** that **a fetus, which will ultimately emerge,** is considered **separated from her** and is not part of her body, one must still ask this question

BACKGROUND

Dust that comes from the heel – רָקָב הַבָּא מִן הָעֶקֶב: Flesh from the heel and the skin that covers it are different in many ways from other tissues in the body. The quality of the blood vessels and nerves in heels renders them less vulnerable to pain and wounds. This has led some contemporary medical experts to assert that these tissues are fundamentally different from others in the body and have their own form of development. Since they consider the heel a kind of dead zone in their classification of the parts of the body, the Sages ask whether or not the *halakhot* that apply to flesh from other parts of a corpse should apply to the heel as well.

HALAKHA

A fetus will ultimately emerge – עוּבָּר דְּסוֹפוֹ לָצֵאת: If a pregnant woman died and was buried with the fetus in her womb, the dust from both of them does not impart impurity. The Rambam follows his usual principle that the *halakha* is in accordance with the option that forms the basis of the Gemara's ensuing dilemma that opens with: And if you say (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:5, and *Kesef Mishne* there, and *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4).

NOTES

Dust that comes from the heel – רָקָב הַבָּא מִן הָעֶקֶב: Many commentaries find this entire discussion problematic, to the extent that the Rid concedes that he does not comprehend the passage and is unable to explain it. There are two broad explanations here. Most early commentaries understand the word heel literally, and the heel is singled out because its flesh is callous and dulled even during a person's lifetime (*Tosafot*; Rosh; Rabbeinu Peretz). Consequently, one might think that it should not be considered part of the impure dust of a corpse. Others, based on a different version of the text, maintain that the reference is not to a heel in particular, but to any part of the body that is not vital for existence (Meiri). According to this opinion, the question is referring to a case where that part of the body is removed and buried on its own. The comments in the Jerusalem Talmud indicate that the discussion is understood in a similar manner there, although that Gemara is also problematic (see Meiri). A similar interpretation is that the term heel refers to the lower part of the body, which might not impart impurity as dust because it is not the central part of the corpse (Commentary on *Nazir*). All these explanations have their difficulties, both with regard to the arguments themselves and in terms of how their claims fit in with the text of the Gemara.

From the heel – דֶּרֶךְ עָקֵב: Some commentaries maintain that the phrase from the heel simply means that the dust contains part of the heel (*Tosafot*). According to this opinion, if dust from the heel does not impart impurity, the combined dust of the two corpses would amount to less than the required amount of a full ladle of dust. Other commentaries explain that: From the heel, means that it is possible that the dust from the two corpses is merely from the heel (Commentary on *Nazir*), or that it is considered a mixture with the dust from the rest of the body (Meiri).

Where one limb decayed, etc. – דְּאִירְקִיב חַד אֵיבָר וכו': Some commentaries explain that this is referring to a case where the foot decayed, and it is assumed that the heel rotted before the rest of the body did, as a heel decomposes quickly. The *halakha* of dust that imparts impurity does not apply to decomposition of this kind (*Tosafot*). Others maintain, in accordance with their interpretations of the entire passage, that the Gemara is speaking only of the heel, which decayed by itself (Commentary on *Nazir*; Meiri).

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שִׁכְבַת זֶרַע בְּמֵעֵי אִשָּׁה מַהוּ? מִי אָמְרִינַן: כֵּיוָן דְּלָא אִיתְצַר – כִּי גּוּפָהּ דָּמֵי, אוֹ דִלְמָא כֵּיוָן דְּמֵעָלְמָא קָאָתֵי – לָא?

with regard to **semen in** a dead **woman's womb. What is** the *halakha* in this case? Does it form a mixture with respect to the woman's body? The Gemara explains the two sides of this dilemma: **Do we say** that **since no** fetus **was formed** from the semen, it is **considered like her body? Or, perhaps** one should argue that **since it comes from outside,** it is **not** considered part of her body.

בָּעֵי רַב פַּפָּא: פִּירְשָׁהּ מַהוּ? כֵּיוָן דְּלָא מִקַּיְּימָא בִּדְלָא אָכְלָה – חֵיּוּתָא הוּא, אוֹ דִלְמָא הָא נַמִּי מֵעָלְמָא אָתֵי? בָּעֵי רַב אַחָא בְּרֵיהּ דְּרַב אִיקָא: עוֹרוֹ מַהוּ? בָּעֵי רַב הוּנָא בַּר מָנוֹחַ: כִּיחוֹ וְנִיעוֹ מַהוּ?

Rav Pappa raised a similar **dilemma:** With regard to **her excrement,**[H] the food waste that remains in a woman's intestines, **what is** the *halakha*? Once again, the Gemara explains the two sides of this dilemma: Do we say that **since she cannot subsist without food it is** considered **her life,** which means that the food left inside her body is part of her and does not form a mixture with the corpse? **Or perhaps this too comes from outside** and is therefore not part of her body, and does form a mixture with her corpse. Similarly, **Rav Aḥa, son of Rav Ika, raised a dilemma** concerning a corpse: With regard to **its skin,**[N] **what is** the *halakha*? **Rav Huna bar Manoaḥ** likewise **raised a dilemma:** With regard to **its phlegm and its spittle, what is** the *halakha*?

אֲמַר לֵיהּ רַב שְׁמוּאֵל בַּר אַחָא לְרַב פַּפָּא: וְאִי סָלְקָא דַּעְתָּךְ כָּל הָנֵי דְּקָאָמַר הָנֵי גַּלְגְּלִין, רָקָב דְּמִטַּמָּא הֵיכִי מַשְׁכְּחַתְּ לָהּ? דְּאַשְׁקְיֵיהּ מֵי דְּקָלִים, וְסָכְיָא נָשָׁא, וּשְׁלָקוֹ בְּמֵי טִבֶּרְיָא.

Rav Shmuel bar Aḥa said to Rav Pappa: But if it enters your mind that **all these** cases of **which they spoke** form **a mixture,** under **what circumstances** do **you find** this case of **dust** that **imparts impurity?** Dust from a corpse will always include some components of the aforementioned elements. The Gemara answers: It is possible. For example, **if** someone **was given palm water** [***mei dekalim***],[L] a powerful laxative, **to drink**[N] before he died, **and was rubbed with a depilatory** agent to remove his hair, **and was boiled** after death **in the** hot **waters of Tiberias**[NB] until the skin came off, this would remove all matter that is not part of the corpse itself.

אֲמַר אַבָּיֵי: נָקְטִינַן, מֵת שֶׁטָּחְנוֹ – אֵין לוֹ רָקָב. אִיבַּעְיָא לְהוּ: טְחָנוֹ וְחָזַר וְהִרְקִיבוֹ, מַהוּ? מִידֵּי הוּא טְעֵמָא אֶלָּא דְּאִיכָּא בָּשָׂר וְגִידִים וַעֲצָמוֹת – וְהָאִיכָּא, אוֹ דִלְמָא כִּבְרָיָיתוֹ בָּעֵינַן, וְלֵיכָּא? תֵּיקוּ.

Abaye said: We have a tradition that **a corpse that was ground**[H] into small pieces **has no** *halakha* of **dust. A dilemma was raised before** the Sages: If a corpse **was ground** after death **and** the remains **later decayed,**[H] **what is** the *halakha*? The Gemara clarifies the two sides of the dilemma: **Is the *halakha*** of dust of a corpse **only** due to the fact that **there is flesh and sinews and bones, and** all these **are present** in this case, so it is impure? **Or perhaps, we require** the corpse to have decayed from **its initial state,** before it was ground, **and** this is **not** the situation here. As was the case with regard to the previous inquiries, no answer was found, and the Gemara says that the dilemma **shall stand** unresolved.

HALAKHA

Semen…excrement, etc. – שִׁכְבַת זֶרַע…פִּירְשָׁהּ וכו׳: The Rambam omits these cases in his rulings of *halakhot*. The later authorities claim that the answer to Rav Shmuel bar Aḥa's difficulty is a mere refutation, and that all these combinations are in fact considered a mixture (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4, and *Leḥem Mishna* there; *Arukh HaShulḥan HeAtid*, *Hilkhot Tumat Met* 8:19).

A corpse that was ground – מֵת שֶׁטָּחְנוֹ: A corpse that was ground into dust does not impart ritual impurity, as it did not become dust of its own accord (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:6).

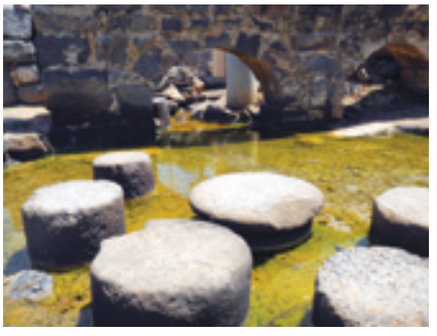
If a corpse was ground and it later decayed – טְחָנוֹ וְחָזַר וְהִרְקִיב: If someone ground a corpse and left it until it fully decayed, it is uncertain whether its dust imparts impurity. Consequently, it is uncertain whether one who comes into contact with its dust is impure, as this question was not resolved by the Gemara (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:7).

LANGUAGE

Palm water [*mei dekalim*] – מֵי דְּקָלִים: Based on the context of the Gemara, this apparently is referring to water from the spring at Har HaBarzel, northeast of the Sea of Galilee. This was possibly one of the springs in the area that was used for medicinal purposes. The water of these springs contains many minerals. The high sulfur content in these waters transforms the stomach fluids into a hydrogen sulfide solution, H_2S, which has a purgative effect. Palm water became famous for this quality.

BACKGROUND

Waters of Tiberias – מֵי טִבֶּרְיָא: This refers to the hot springs near the city of Tiberias, which can reach temperatures of 60° Celsius and even higher.



Hot springs of Tiberias

NOTES

Its skin [*oro*] – עוֹרוֹ: The notion that a corpse's skin should not be considered part of the body is puzzling, especially in light of the *halakha* that the skin of a corpse imparts ritual impurity. The commentaries disprove the suggestion that the Gemara is referring to skin stripped from a corpse and buried with it (Rabbeinu Peretz). The early commentaries explain that the dilemma concerning the skin is applicable according to the opinion that the impurity of the skin of a corpse applies by rabbinic law. Since, according to this opinion, skin is not considered part of the body by Torah law, it is possible that it might be classified as forming a mixture with the corpse (Rabbeinu Peretz). Some suggest that the word *oro* in this context does not mean its skin. Rather, it is related to the word *me'arer*, meaning to pour, and is referring to saliva found in the mouth, which is not released by coughing like phlegm or through force of effort like spittle but flows out on its own (Commentary on *Nazir*).

Was given palm water to drink – דְּאַשְׁקְיֵיהּ מֵי דְּקָלִים: This water is a strong laxative that releases all excrement from the bowels (Commentary on *Nazir*). Others add that it also serves to drain out any moisture, e.g., phlegm or spittle (*Tosafot*).

Boiled in the waters of Tiberias – שְׁלָקוֹ בְּמֵי טִבֶּרְיָא: The point of this procedure is to remove the skin and phlegm (Commentary on *Nazir*). The commentaries explain that boiling and removing the skin are insufficient, as the roots of the hair remain attached at the subcutaneous level of the skin. It is therefore necessary to rub a depilatory agent on it afterward to eradicate the roots of the hair as well (*Tosafot*; Meiri). Alternatively, if the head is boiled in hot springs, part of the soft flesh might fall apart as well, which would render the corpse deficient. Consequently, the rest of the body must be boiled, while the head is rubbed with a depilatory agent (see Meiri). Others contend that the Gemara is not referring to successive actions on a single corpse. Rather, each action in this list, i.e., applying palm water, boiling, and rubbing a depilatory agent, is a separate response to the various dilemmas raised by *amora'im* above.

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תָּנֵי עוּלָּא בַּר חֲנִינָא: מֵת שֶׁחָסֵר – אֵין לוֹ רָקָב, וְלֹא תְּפוּסָה, וְלֹא שְׁכוּנַת קְבָרוֹת.

§ **Ulla bar Ḥanina teaches: A corpse that lacks** a part[H] **does not have** the *halakha* of **dust,** which imparts ritual impurity in the amount of a full ladle, **nor** the *halakha* of earth that is **caught** [***tefusa***] and considered part of a corpse. If a deficient corpse is moved, the surrounding earth is not considered part of it and need not be moved together with the body, as must be performed for a whole corpse. **Nor** does the *halakha* of **a graveyard**[HN] apply. If three corpses are discovered in close proximity and one of them is deficient in some way, one need not search for more bodies out of concern that the location might have been a cemetery, as must be done if three intact corpses are found. Rather, the bodies are considered isolated corpses.

מֵיתִיבִי: לֹא, אִם אָמַרְתָּ בְּמֵת שֶׁיֵּשׁ לוֹ רוֹב וְרוֹבַע, אוֹ מְלֹא תַּרְוָוד רָקָב, תֹּאמַר בְּחַי שֶׁאֵין לוֹ לֹא רוֹב וְלֹא רוֹבַע, וְלֹא מְלֹא תַּרְוָוד רָקָב.

The Gemara **raises an objection** from a mishna (*Eduyyot* 6:3) that addresses the question of whether an olive-bulk of flesh that came from a living person imparts ritual impurity as it would were it to come from a corpse: **No, if you say** that an olive-bulk of flesh imparts impurity **with regard to a corpse, whose** *halakhot* of impurity are stringent, as **the majority** of its structure or the majority of the number of its bones, **or a quarter-***kav* of its bones, **or** even **a full ladle of** its **dust** impart impurity, **shall you** also **say** that it imparts impurity **with regard to a living** person, **who does not have** the *halakha* of **the majority** of structure or the majority of the number of its bones, **nor a quarter-***kav*, **nor a full ladle of dust?**

הֵיכִי דָּמֵי? דְּאִרְקִיב חַד אֵבֶר – דִּכְוָותֵיהּ גַּבֵּי מֵת אֲפִילּוּ חַד אֵבֶר אִיכָּא רָקָב! מִי קָתָנֵי הָא מֵת? הָא קָא מַשְׁמַע לָן: שׁוּם מֵת יֵשׁ לוֹ רָקָב, שׁוּם חַי אֵין לוֹ רָקָב.

The Gemara analyzes this passage: **What are the circumstances** of that mishna that deals with a limb from a living person? If you say **that one limb** of a living person **decayed,** and the mishna is indicating **that in the corresponding** situation **with regard to a corpse, there is dust even** from **one limb.** This shows that the *halakha* of dust applies to a corpse that is missing a limb and not just to a complete corpse. The Gemara rejects this argument: **Did** the mishna **teach that this corpse** in that particular case of an isolated limb has the *halakha* of dust? That is merely an inference, as it is not stated explicitly in the mishna itself. Rather, the mishna **teaches us this: The name,** i.e., the category, **of a corpse has dust.** However, **the name of a living** person **does not have dust.**

בָּעֵי רָבָא: הִרְקִיב כְּשֶׁהוּא חַי, וְחָזַר וּמֵת, מַהוּ? כִּי גְּמִירִי רָקָב – דְּאִירְקִיב כְּשֶׁהוּא מֵת, אוֹ דִּלְמָא הָשְׁתָּא מִיהָא הָא מָיֵית?

Rava raised a dilemma: If a limb of a body **decayed when he was alive,**[H] **and** that individual **subsequently died, what is** the *halakha*? Do we say that **when** this **is learned** as a tradition that **dust** imparts ritual impurity, this applies only **if** the body **decayed when he was dead,** but not when he was alive, and therefore this corpse is considered deficient and its dust does not impart impurity? **Or perhaps, now in any event he is dead,** and his whole body has decomposed, and consequently its dust does impart impurity.

תָּא שְׁמַע: לֹא, אִם אָמַרְתָּ בְּמֵת שֶׁיֵּשׁ לוֹ רוֹב וְרוֹבַע וּמְלֹא תַּרְוָוד רָקָב, תֹּאמַר בְּחַי כו׳.

The Gemara suggests: **Come** and **hear** the aforementioned mishna: **No, if you say** that an olive-bulk of flesh imparts impurity **with regard to a corpse, whose** *halakhot* of impurity are stringent, as **the majority** of its structure or the majority of the number of its bones, **or a quarter-***kav* of its bones, **or** even **a full ladle of** its **dust** imparts impurity, **shall you** also **say** that this it imparts impurity **with regard to a living** person, who does not have the *halakha* of the majority of structure or the majority of the number of its bones, nor a quarter-*kav*, nor a full ladle of dust.

טַעֲמָא – מִשּׁוּם חַי, הָא מֵת – יֵשׁ לוֹ רָקָב! מִי קָתָנֵי הָא מֵת? הָא קָא מַשְׁמַע לָן: דְּשׁוּם מֵת יֵשׁ לוֹ רָקָב, שׁוּם חַי אֵין לוֹ רָקָב.

The Gemara infers from this passage: **The reason** the olive-bulk of flesh does not impart impurity **is due to** the fact that it is from **a living** person, from which it may be inferred that in a corresponding situation involving **a corpse,** the corpse **has** the *halakha* of **dust,** even if the limb had decomposed during the deceased's lifetime. The Gemara rejects this contention as above: **Did** the mishna **teach that this corpse** in that particular case of an isolated limb has the *halakha* of dust? That is merely an inference, as it is not stated explicitly in the mishna itself. Rather, the mishna **teaches us this: The name,** i.e., the category, **of a corpse has dust.** However, **the name of a living** person **does not have dust.**

HALAKHA

A corpse that lacks a part, etc. – מֵת שֶׁחָסֵר וכו׳: The dust of a corpse that is missing a limb does not impart ritual impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:3 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:4).

Nor the *halakha* of earth that is caught, nor a graveyard – וְלֹא תְּפוּסָה וְלֹא שְׁכוּנַת קְבָרוֹת: If a dead person is missing a limb that would have caused his death had it been removed when he was alive, the *halakhot* of caught earth and a graveyard do not apply to this corpse (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:5).

Decayed when he was alive, etc. – הִרְקִיב כְּשֶׁהוּא חַי וכו׳: If part of a dead person rotted during his lifetime, it is uncertain whether one who comes into contact with the rest of his dust after his death is impure, as this dilemma was not resolved in the Gemara (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4 and *Sefer Tahara*, *Hilkhot Tumat Met* 3:7).

NOTES

Nor the *halakha* of a graveyard – וְלֹא שְׁכוּנַת קְבָרוֹת: The commentaries point out that this case is apparently not related to the *halakhot* of ritual impurity. Rather, the issue is factual: Does the discovery of three corpses indicate the presence of an ancient cemetery on the site? If so, what difference does it make if one of the bodies is missing a limb (*Tosafot*)? They suggest that perhaps it is a *halakha* transmitted to Moses from Sinai that this *halakha* of a cemetery applies only to intact corpses (see Rosh). Others propose a logical explanation: If one of the corpses is incomplete, this might indicate that a fight occurred, and the victims were buried at the site. If so, one need not be concerned that more bodies might be found there, as there is no reason to suppose that the area was ever used as a cemetery (Meiri).

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בָּעֵי רָבָא: נִטְמָלָה שֶׁחִסְּרָה מַהוּ? שִׁיעוּרָא גְּמִירִין לָהּ – וְהָא חָסֵר, אוֹ דִּילְמָא גְּמִירִי לָהּ, וְהָאֵיכָּא?

§ In relation to the above discussion concerning a body without a limb, **Rava raised a dilemma:** If someone eats an entire ant, even if it is less than an olive-bulk in volume, he is liable for eating a creeping animal because it is a whole creature. Rava's dilemma was as follows: If one eats **an ant that lacks** a part, e.g., a leg, **what is** the *halakha*? Is this individual liable to receive lashes? The two possibilities are as follows: **Is** it **learned** as tradition that **the amount** for which one is liable is a whole ant, **and this one is lacking? Or** did **we learn** that he is punished for a viable **entity, and there is** a viable entity here, despite the missing limb?

Perek **VII**
Daf **52** Amud **a**

HALAKHA

And the Sages calculated that this is the volume of a lentil-bulk – וְשִׁיעֲרוּ חֲכָמִים בְּכַעֲדָשָׁה: The carcass of a creeping animal imparts ritual impurity if it has the volume a lentil-bulk. All creeping animals combine to form this amount (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 4:2).

Does have a soul, etc. – נֶפֶשׁ בָּהּ נְשָׁמָה וכו': If someone eats a forbidden creature in its entirety, e.g., if he eats an ant, he is liable to receive lashes regardless of its size. However, if it is missing even a leg, he is liable only if he ate the amount of an olive-bulk. This is because the Gemara's dilemma is left unresolved, and the court does not administer lashes in a case of uncertainty (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 2:22, and *Mishne LaMelekh* there).

BACKGROUND

Skink [*ḥomet*] – חוֹמֶט: The *ḥomet* is one of the eight creeping or swarming animals mentioned in the Torah (Leviticus 11:30). Precise identification of each of these creatures is by no means a simple matter. Throughout the generations, there were two traditions with regard to identification of the *ḥomet*. Some say it is one of the subspecies of snails that lack a shell. This interpretation is supported by the claim that it is as large as a lentil-bulk, which is the size of a small snail. Others identify the *ḥomet* as a species of reptile similar to the chameleon (Rav Se'adya Gaon). Nowadays the *ḥomet* is widely regarded as a species of skink. Dwelling primarily in the sand, narrow and thin skinned, some varieties of the skink have only two working limbs along with two atrophied limbs, while others have no limbs at all.



Legless skink

אֲמַר רַב יְהוּדָה מִדִּיסְקַרְתָּא, תָּא שְׁמַע: ״בָּהֶם״. יָכוֹל בְּכוּלָּן – תַּלְמוּד לוֹמַר ״מֵהֶם״. אִי ״מֵהֶם״ יָכוֹל מִקְצָתָן – תַּלְמוּד לוֹמַר ״בָּהֶם״.

Rav Yehuda from Diskarta said: Come and **hear** the following halakhic midrash concerning the ritual impurity of creeping animals. The verse states: "Whoever touches **them** when they are dead shall be impure" (Leviticus 11:31). One **might** have thought this *halakha* applies only **to all of them,** i.e., to complete creatures. Therefore, **the verse states:** "And upon whatever any **of them,** when they are dead, fall, it shall be impure" (Leviticus 11:32), which indicates that part of these creatures also imparts impurity. **If** the *halakha* were derived solely from the phrase **"of them,"** one **might** have thought that it applies even to **a small part** of them. **The verse** therefore **states:** "**Them,**" which means all of them.

הָא כֵּיצַד? עַד שֶׁיַּגִּיעַ בְּמִקְצָתָן שֶׁהוּא בְּכוּלָּן, וְשִׁיעֲרוּ חֲכָמִים בְּכַעֲדָשָׁה, שֶׁכֵּן הַחוֹמֶט תְּחִלַּת בְּרִיָּתוֹ בְּכַעֲדָשָׁה. שְׁמַע מִינָּהּ: שִׁיעוּרָא גְּמִירִי לָהּ.

How so? How can one reconcile the two verses? He does not become ritually impure **unless he touches** at least **part of them that is** equal in measure **to all of them,** i.e., a large part. **And the Sages calculated** that this is the volume **of a lentil-bulk.**[H] Why is this? **As the start of the formation of a skink,**[B] one of the eight impure creeping animals, is the size **of a lentil-bulk.** This concludes the halakhic midrash. With regard to the issue at hand, one can **learn from here** that it **is learned** as a tradition that **the amount**[N] for a creature to be considered whole is a lentil-bulk. If so, an ant missing a limb should likewise not have the status of a creature.

אֲמַר רַב שְׁמַעְיָה: כִּי בָּעֵינַן שִׁיעוּרָא, דִּבְדִלָּא הָוְיָא כַּעֲדָשָׁה לָא מְטַמֵּא – דִּלְמָא נֶפֶשׁ בָּהּ נְשָׁמָה, אֲבָל נֶפֶשׁ בָּהּ נְשָׁמָה – לָא. תִּיבָּעֵי לָךְ.

Rav Shemaya said, in refutation of this argument: **When we require** the above **amount, that if it is not** the volume **of a lentil-bulk it does not impart impurity,** the requirement applies only in a case **where** the creature **does not have** a living **soul** before it grows to the size of a lentil. **However,** if it **does have a soul,**[H] this volume is **not** required. If the creature can survive, perhaps it does impart impurity even if it is lacking a limb. Consequently, with regard to an ant that is missing a limb, **the dilemma remains** unresolved **for you.**

NOTES

Learn from here that it is learned as a tradition that the amount, etc. – שְׁמַע מִינָּהּ שִׁיעוּרָא גְּמִירִי וכו': Some commentaries explain that once it is derived from the verse that the size of a whole creature is required, it is evident that an animal that is missing a limb no longer imparts ritual impurity, and therefore it is not prohibited to consume it either (Commentary on *Nazir*). Others state that a skink in its entirety is the volume of a lentil-bulk, including its legs and other limbs. If part of it is removed, the creature no longer imparts impurity even if the skink can survive without this part, because the remainder is less than the minimum size. This shows that the amount of a whole creature is required (*Tosafot*). Others formulate the argument as follows: If an ant from which a limb has been removed is nevertheless considered a creature, a skink should impart impurity even if it is less than the volume of a lentil (Rosh; Rabbeinu Azriel).

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"הַשִּׁדְרָה וְהַגּוּלְגּוֹלֶת". אִיבַּעְיָא לְהוּ: שִׁדְרָה וְגוּלְגּוֹלֶת תְּנַן, אוֹ דִלְמָא אוֹ שִׁדְרָה אוֹ גוּלְגּוֹלֶת? אֲמַר רָבָא, תָּא שְׁמַע: שִׁדְרָה שֶׁגִּיֵּיד רוֹב עִילְעִין שֶׁבָּהּ – טְהוֹרָה, וּבַקֶּבֶר אֲפִילּוּ מְשׁוּבֶּרֶת אוֹ מְפוֹרֶקֶת – טְמֵאָה, מִפְּנֵי הַקֶּבֶר.

§ The mishna taught that a nazirite must shave for impurity imparted by **a spine and skull. A dilemma was raised before** the Sages: Did **we learn a spine and** [*ve*] **skull** together? **Or perhaps** the mishna means **either a spine or a skull.** Does the conjunctive *vav* signify: And, or: Or? **Rava said: Come** and **hear** a resolution from a *baraita*: In the case of **a spine, the majority of whose ribs were removed**[H] while the spine itself remained intact, it is **ritually pure. And** if it was **in a grave, even** if it was **broken or disassembled, it is impure, due to the grave,** which joins all the bones together.

טַעֲמָא – מִשּׁוּם דְּגִייֵד, הָא לֹא גִּייֵד – טָמֵא. שְׁמַע מִינָּהּ: אוֹ שִׁדְרָה אוֹ גּוּלְגּוֹלֶת קָתָנֵי. הָא לָא קָתָנֵי, הָא קָא מַשְׁמַע לָן דְּכִי גִּייֵד – טְהוֹרָה, אִידָךְ – תִּיבָּעֵי לָךְ.

The Gemara infers from this *baraita*: **The reason** it is ritually pure in the first case **is due to** the fact **that** the ribs **were removed,** from which it may be inferred that if they **were not removed,** it is **impure** on its own, even without the skull. **Learn from this** that the mishna **teaches: Either a spine or a skull.** The Gemara rejects this claim: The *baraita* **does not teach this** explicitly. It does not state that if the ribs were not removed the spine imparts ritual impurity by itself. Rather, the *baraita* **teaches us this, that if** the ribs were **removed** the spine is **pure.** And as to **the other** issue, the impurity of a spine on its own, **the dilemma remains** unresolved **for you.**

תָּא שְׁמַע: רַבִּי יְהוּדָה אוֹמֵר: שִׁשָּׁה דְּבָרִים רַבִּי עֲקִיבָא מְטַמֵּא וַחֲכָמִים מְטַהֲרִין, וְחָזַר בּוֹ רַבִּי עֲקִיבָא. וּמַעֲשֶׂה שֶׁהֵבִיאוּ קוּפָּה מְלֵאָה עֲצָמוֹת לְבֵית הַכְּנֶסֶת שֶׁל טַרְסִיִּים וְהִנִּיחוּהָ בָּאֲוִויר, וְנִכְנַס תּוֹדוֹס הָרוֹפֵא וְכָל הָרוֹפְאִים [עִמּוֹ], וְאָמְרוּ: אֵין כָּאן שִׁדְרָה מִמֵּת אֶחָד.

The Gemara further suggests: **Come** and **hear** a resolution from the *Tosefta* (*Oholot* 4:2). **Rabbi Yehuda says** that **Rabbi Akiva deems six items impure that the Rabbis deem pure, and Rabbi Akiva** later **retracted** his opinion. **And an incident** occurred in **which they brought a box** that was **full of bones to the synagogue of blacksmiths** [*tarsiyyim*],[L] **and they placed it in** an open **airspace,** not under the roof, so that it would not impart ritual impurity. **And Todos the doctor**[P] **entered and all the** other **doctors** entered **with him, and they said,** after examining the pile: **There is not** a full **spine from one corpse here.**[NB]

טַעֲמָא – דְּלֵיכָּא שִׁדְרָה דְּמֵחֲדָא, הָאִיכָּא אוֹ שִׁדְרָה אוֹ גּוּלְגּוֹלֶת דְּמֵחֲדָא – נָזִיר מְגַלַּח עָלֶיהָ, שְׁמַע מִינָּהּ: אוֹ שִׁדְרָה אוֹ גּוּלְגּוֹלֶת תְּנַן. לָא מִיבָּעֲיָא קָאָמַר; לָא מִיבָּעֲיָא שִׁדְרָה וְגוּלְגּוֹלֶת דְּמֵמֵת אֶחָד לֵיכָּא, אֶלָּא אֲפִילּוּ אוֹ שִׁדְרָה מִמֵּת אֶחָד אוֹ גּוּלְגּוֹלֶת מִמֵּת אֶחָד לֵיכָּא.

The Gemara infers from this incident: **The reason** it is ritually pure **is due to** the fact **that there was no spine from one** corpse, from which one can infer that if **there is either a spine or a skull from one** corpse, **a nazirite must shave due to it. Learn from this** that **we learned** in the mishna that a nazirite shaves **either** for **a spine or a skull.** The Gemara rejects this argument: The *tanna* of the *baraita* **is speaking** utilizing the style of: **It is not necessary,** as follows: **It is not necessary** to state that **there is no spine and skull from one corpse** in the box, **but even** the remains of **either a spine from one corpse or a skull from one corpse,** which together impart impurity, are **not** present. Instead, there are parts of spines and skulls from several bodies.

תָּא שְׁמַע מִמַּעֲיָנְיָא: וּמָה הֵן שִׁשָּׁה דְּבָרִים שֶׁרַבִּי עֲקִיבָא מְטַמֵּא וַחֲכָמִים מְטַהֲרִין: עַל אֵבֶר מִן הַמֵּת שֶׁבָּא מִשְּׁנֵי מֵתִים, וְעַל אֵבֶר מִן הַחַי שֶׁבָּא מִשְּׁנֵי בְּנֵי אָדָם, וְעַל חֲצִי קַב עֲצָמוֹת שֶׁבָּא מִשְּׁנֵי מֵתִים, וְעַל רְבִיעִית דָּם הַבָּא מִשְּׁנַיִם, וְעַל עֶצֶם כִּשְׁעוֹרָה שֶׁנֶּחֱלַק לִשְׁנַיִם, וְהַשִּׁדְרָה וְהַגּוּלְגּוֹלֶת.

The Gemara further suggests: **Come** and **hear from the tally** in the above *baraita*: **And what are those six items that Rabbi Akiva deems ritually impure and the Rabbis deem ritually pure?** They consist **of a limb from a corpse**[H] **that comes from,** i.e., is combined with, **two corpses; and** a severed **limb from a living** person **that comes from two** living **people; and half-*kav* of bones that come from two corpses; and a quarter-*log* of blood that comes from two** corpses; **and of a bone that is a barley-grain-bulk,** even from one body, **that was divided into two; and the spine and the skull** from two corpses.

HALAKHA

A spine, the majority of whose ribs were removed – שִׁדְרָה שֶׁגִּייֵד רוֹב עִילְעִין שֶׁבָּהּ: If the majority of the ribs of a spine were removed, it does not impart impurity in a tent, even if the spine itself remains intact. If it was in a grave, it imparts impurity in a tent even if it was broken into small pieces, as the grave joins them together (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:7).

A limb from a corpse, etc. – אֵבֶר מִן הַמֵּת וכו': A limb from a corpse that is combined from two corpses, a limb combined from two living people, a quarter-*kav* of bones from two corpses, a quarter-*log* of blood from two bodies, spine bones joined from two corpses, and skull bones from two corpses impart ritual impurity through contact or carrying but not in a tent, in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:1–2).

PERSONALITIES

Todos the doctor – תּוֹדוֹס הָרוֹפֵא: Todos is a shortened version of the Greek name Θεόδωρος, Theodoros, or, in Hebrew, Mattityahu. It appears that Todos was a prominent doctor in the generation following the destruction of the Second Temple. There are a number of cases recorded in the Talmud in which the Sages relied on his professional advice.

NOTES

There is not a full spine from one corpse here – אֵין כָּאן שִׁדְרָה מִמֵּת אֶחָד: The commentaries ask: Since this was evidently not a whole spine but was broken into its constituent vertebrae, what is the point of the question? After all, a spine of this kind certainly does not impart ritual impurity (*Tosafot*). They answer that these bones were previously in a whole state in a grave, which a nazirite was overlaying. It was therefore necessary to clarify whether or not the grave joined them together to render the nazirite impure (see Rosh and Rabbeinu Peretz).

BACKGROUND

There is not a full spine from one corpse here – אֵין כָּאן שִׁדְרָה מִמֵּת אֶחָד: This determination required medical expertise, as only a doctor could examine the form of each bone and decide whether the collection was from one or several bodies. This became easier when duplicate bones were found in the collection, as two of the same bones could not have come from the same body. Once it was determined that the bones were from more than one body, the investigation would have been painstaking, as separated vertebrae from the spinal column, which in this case were broken, are very similar to each other, and each body contains many of these bones. For this reason, great expertise was required to determine the origin of the bones.

LANGUAGE

Blacksmiths [*tarsiyyim*] – טַרְסִיִּים: From the name of the Greek city Ταρσός, Tarsus. This ancient city, located in Asia Minor, once served as a center of Greek culture and manufacturing. The residents of Tarsus excelled in various crafts, principally the weaving of special textiles and fine metalwork, e.g., inlaying or casting different kinds of metals. Several trades are named after the city. The Sages used the word *tarsiyyim* for a particular kind of weaver, perhaps those who produced the tapestries and linens of Tarsus, as well as a certain type of silversmith.

Already in the Second Temple period, there were synagogues associated with distinct groups of craftsmen, a tradition that has continued until recent generations. Accordingly, it is not surprising that there was a special synagogue for blacksmiths. It is also possible that this was the synagogue of Jews from Tarsus, which had a Jewish community. This would follow the ancient tradition of Jews from a particular town banding together in a new region or country to form their own synagogue.

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וְאִי סָלְקָא דַּעְתָּךְ אוֹ שִׁדְרָה אוֹ גּוּלְגּוֹלֶת – הָנֵי שִׁבְעָה הָווֹ! כִּי קָתָנֵי (סימן יחי"ד שהו"א גיל"ח ואח"ד).

And if it enters your mind that the *halakha* applies to **either a spine or a skull** and they are two separate *halakhot*, **these are seven** cases, rather than six. The Gemara rejects this claim: No proof can be brought from here, **as when** the *tanna* **teaches** this tally he lists seven items. However, only six are fully relevant here, and therefore he said they were six. The Gemara inserts **a mnemonic** device for the ensuing suggestions as to which item in the list is not necessary in this context: **An individual**[N] disagrees with him; **that he;** a nazirite **shaves** for it; **and one** quarter-*log*.

כָּל הֵיכָא דְּפְלִיגִי עֲלֵיהּ רַבִּים, לְאַפּוֹקֵי עָצֶם כִּשְׁעוֹרָה דְּיָחִיד הוּא דְּפָלֵיג עֲלֵיהּ. דְּתַנְיָא: עָצֶם כִּשְׁעוֹרָה שֶׁנֶּחְלַק לִשְׁנַיִם, רַבִּי עֲקִיבָא מְטַמֵּא וְרַבִּי יוֹחָנָן בֶּן נוּרִי מְטַהֵר.

The first explanation is: Rabbi Akiva listed the spine and skull as separate items, but the six include **anywhere that many** Sages **disagree with him, to the exclusion of** the case of a bone that is **a barley-grain-bulk,**[H] as here **it is an individual who disagrees with** Rabbi Akiva, **as it is taught** in a mishna (*Oholot* 2:7): If **a bone that is a barley-grain-bulk was divided**[H] **into two, Rabbi Akiva deems** it **impure and Rabbi Yoḥanan ben Nuri deems** it **pure.** In this case, only one Sage disagrees with Rabbi Akiva.

וְאִי בָּעֵית אֵימָא: כִּי קָתָנֵי – אֵבֶר מִן הַמֵּת, אֵבֶר מִן הַחַי לָא קָתָנֵי.

And if you wish, say a different item on the list that is omitted from the tally: **When he teaches** six, he includes **a limb** severed **from a corpse,** but **he does not teach a limb** severed **from a living** person, and that was the case that was not listed.

וְאִיבָּעֵית אֵימָא: כִּי קָתָנֵי – כָּל הֵיכָא דְּנָזִיר מְגַלֵּחַ עַל אֲהִילוֹ, לְאַפּוֹקֵי עָצֶם כִּשְׁעוֹרָה דְּלָא.

And if you wish, say a different item on the list that is omitted from the tally: **When he teaches** six, he mentions **anywhere that a nazirite shaves for his overlaying,** i.e., he formed a tent over the remains of a corpse, **to the exclusion of** the case of **a bone that is a barley-grain-bulk, as** it **does not** impart ritual impurity in a tent. As stated in the mishna, this bone imparts impurity only through contact and carrying.

וְאִיבָּעֵית אֵימָא: כִּי קָתָנֵי – כָּל הֵיכָא דַּהֲדַר בֵּיהּ, לְאַפּוֹקֵי רְבִיעִית דָּם דְּלָא הֲדַר בֵּיהּ. דַּאֲמַר לֵיהּ רַבִּי לְבַר קַפָּרָא: לֹא תִּשְׁנֶה רְבִיעִית דָּם בַּחֲזָרָה, שֶׁהֲרֵי לְמוּדוֹ שֶׁל רַבִּי עֲקִיבָא בְּיָדוֹ,

And if you wish, say a different item on the list that is omitted from the tally: **When he teaches** six, he lists **anywhere that** Rabbi Akiva **retracted** his opinion, **to the exclusion of a quarter-*log* of blood, as he did not retract his** opinion in that case, **as Rabbi** Yehuda HaNasi **said to bar Kappara: Do not teach a quarter-*log* of blood in the** list of Rabbi Akiva's **retractions, as Rabbi Akiva held onto his** opinion[N] in this regard.

וְעוֹד, הַמִּקְרָא מְסַיְּיעוֹ: "וְעַל כָּל נְפָשׁוֹת מֵת לֹא יָבֹא". רַבִּי שִׁמְעוֹן אוֹמֵר: עַד יָמָיו הָיָה מְטַמֵּא, אִם מְשֻׁמֶּשֶׁת חָזַר בּוֹ – אֵינִי יוֹדֵעַ. תָּנָא: הוּשְׁחֲרוּ שִׁינָיו מִפְּנֵי תַּעֲנִיּוֹתָיו.

And furthermore, the verse supports his opinion, as it states: "**Neither shall he go in to any dead bodies**" (Leviticus 21:11). The plural form "bodies" indicates that two corpses can join together, as stated by Rabbi Akiva. Similarly, **Rabbi Shimon says: All his days,** Rabbi Akiva **would deem** a quarter-*log* of blood from two corpses **ritually impure. Whether he retracted his** opinion **after he died,** this **I do not know.** A Sage **taught:** Rabbi Shimon's **teeth blackened due to his fasts,** which he undertook for uttering this irreverent comment about Rabbi Akiva.

תָּא שְׁמַע: דְּתַנְיָא, בֵּית שַׁמַּאי אוֹמְרִים: רוֹבַע עֲצָמוֹת מִן הָעֲצָמִים, אוֹ מִשְּׁנַיִם אוֹ מִשְּׁלֹשָׁה. וּבֵית הִלֵּל אוֹמְרִים: רוֹבַע מִן הַגּוּיָּה, מֵרוֹב הַבְּנָיָן אוֹ מֵרוֹב הַמִּנְיָן. אָמַר רַבִּי יְהוֹשֻׁעַ: יְכוֹלְנִי לַעֲשׂוֹת דִּבְרֵי בֵּית שַׁמַּאי וְדִבְרֵי בֵּית הִלֵּל כְּאֶחָד,

§ The Gemara returns to the earlier discussion. **Come** and **hear** an answer to the question of whether a spine and skull must be together to impart ritual impurity, **as it is taught** in a mishna (*Eduyyot* 1:7) that **Beit Shammai say:** The **quarter-*kav* of bones,**[H] which imparts impurity in a tent, can be **from** several **bones** [***ha'atzamim***][NL] **or from two or from three**[N] bones, but they cannot be from one bone. **And Beit Hillel say:** The **quarter-*kav*** of bones must come **from the** same **body,** either **from the majority of the structure** of the skeleton **or from the majority of the number** of 248 bones in the body. **Rabbi Yehoshua said: I can establish the statement of Beit Shammai and the statement of Beit Hillel as one.** In other words, I can explain their opinions so that there is no dispute between them.

NOTES

A mnemonic, an individual, etc. – סִימָן יָחִיד וכו׳: This mnemonic, which does not appear in all manuscripts, is difficult to decipher. Some commentaries explain it as referring to the four options offered in the following discussion for the *halakha* omitted from the tally, with each term representing one option (*Shoshannim LeDavid*).

Rabbi Akiva held onto his opinion – לְמוּדוֹ שֶׁל רַבִּי עֲקִיבָא בְּיָדוֹ: Some say that Rabbi Akiva was known to have repeated this ruling to his disciples on many occasions, and it is therefore evident that he did not change his mind.

Quarter-*kav* of bones from bones – רוֹבַע עֲצָמוֹת מִן הָעֲצָמִים: Some commentaries suggest that Beit Shammai received a ruling referring to a quarter-*kav* of bones from bones, which they interpreted as referring to two or three bones. Conversely, Beit Hillel's ruling stated: A quarter-*kav* from the body, which they explained as a reference to the majority of the structure or the majority of the number of bones, which has the status of a whole corpse.

Or from two or from three – אוֹ מִשְּׁנַיִם אוֹ מִשְּׁלֹשָׁה: According to most commentaries, this means: From two or three bones. They apparently maintain that a quarter-*kav* from a single bone does not impart ritual impurity (see Meiri). Others explain that Beit Shammai are referring to bones from two or three different people (Rambam's Commentary on the Mishna, *Eduyyot* 1:7). If so, Beit Shammai maintain that bones from several people can combine to the amount of a quarter-*kav*. This means that Rabbi Akiva rules in accordance with the opinion of Beit Shammai. It is stated in one source that Rabbi Akiva was a *Shamuti*, a follower of Beit Shammai.

HALAKHA

To the exclusion of a bone that is a barley-grain-bulk – לְאַפּוֹקֵי עָצֶם כִּשְׁעוֹרָה: A bone from a corpse that has the volume of a barley-grain-bulk imparts impurity by contact and carrying, which means that a nazirite who touches or carries it is obligated to shave. However, it does not render people or items impure in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:10 and *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6).

A bone that is a barley-grain-bulk was divided – עָצֶם כִּשְׁעוֹרָה שֶׁנֶּחְלַק: A bone the volume of a barley-grain-bulk that was split in two imparts ritual impurity by carrying, as the *halakha* is in accordance with the opinion of Rabbi Akiva (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:4, and *Kesef Mishne* there).

Quarter-*kav* of bones – רוֹבַע עֲצָמוֹת: A quarter-*kav* of bones imparts impurity even if the bones do not contain the majority of the structure or the majority of the number of the bones of a corpse, nor a spine or whole skull. This quarter-*kav* imparts ritual impurity by touch, carrying, and in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:9, and *Kesef Mishne* there).

LANGUAGE

Bones [*atzamim*] – עֲצָמִים: Although this plural term usually appears as the feminine *atzamot*, the masculine form *atzamim* is occasionally used (see Ezekiel 24:4).

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שֶׁבֵּית שַׁמַּאי אוֹמְרִים מִשְּׁנַיִם אוֹ מִשְּׁלֹשָׁה – אוֹ מִשְּׁתֵּי שׁוֹקַיִם וְיָרֵךְ אֶחָד, אוֹ מִשְּׁתֵּי יְרֵכַיִם וְשׁוֹק אֶחָד, הוֹאִיל וְרוֹב גּוּבְהוֹ שֶׁל אָדָם מְגוּבָּה. וּבֵית הִלֵּל אוֹמְרִים: מִן הַגְּוִיָּה אוֹ מֵרוֹב בְּנָיָן אוֹ מֵרוֹב מִנְיָן – הוֹאִיל וְיֶשְׁנָן בְּמִפְרְקֵי יָדַיִם וְרַגְלַיִם. שַׁמַּאי אוֹמֵר: אֲפִילּוּ עֶצֶם מִן הַשִּׁדְרָה אוֹ מִן הַגּוּלְגֹּלֶת.

How so? **As** when **Beit Shammai say: From two or three** bones, they mean **either from two shins and one thigh, or from two thighs**[N] **and one shin. Since the majority of a person's height** is contained **in** the **height** of these limbs, they are considered the majority of the structure of the body. **And Beit Hillel say:** Parts **from the body, or from the majority of the structure, or from the majority of the number** of bones, **since they include the joints of the hands and feet,**[B] which comprise many small bones, impart impurity. **Shammai says:**[N] **Even a bone from the spine or from the skull** imparts impurity. In this source, Shammai explicitly refers to a spine or a skull.

שָׁאנֵי שַׁמַּאי דְּמַחְמִיר! לִיפְשׁוֹט מִינָּהּ: טַעֲמָא דְּבֵית שַׁמַּאי דְּמַחְמִיר, הָא רַבָּנַן – עַד דְּאִיכָּא שִׁדְרָה וְגוּלְגֹּלֶת! לָא, עַד כָּאן לֹא פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּשַׁמַּאי – אֶלָּא בְּעֶצֶם אֶחָד דְּאָתֵי מִן הַשִּׁדְרָה וּמִן הַגּוּלְגֹּלֶת, אֲבָל הֵיכָא דְּאִיתֵּיהּ בְּעֵינֵיהּ – אֲפִילּוּ חֲדָא מִינְּהוֹן.

The Gemara rejects this proof: One cannot establish a general *halakha* from this source, for **Shammai is different, as he is** invariably **stringent,** whereas the Rabbis might disagree. The Gemara inquires: If so, **let us resolve** the opposite **from** this *baraita*: **The reason** that Shammai spoke of a spine or a skull **is that Beit Shammai are stringent,** from which it may be inferred that according to **the Rabbis** a spine and skull are not ritually impure **unless** both **a spine and skull are present.** The Gemara rejects this proof too: **No, the Rabbis disagree with Shammai only with regard to one bone that comes from the spine or from the skull, but when it is intact, even** if the bone is from **one of them,**[H] either the spine or the skull, they possibly agree that it imparts impurity.

בָּעֵי רָמֵי בַּר חָמָא: רוֹבַע עֲצָמוֹת מִן שִׁדְרָה וְגוּלְגֹּלֶת, מַאי? כִּי קָתָנֵי חֲצִי קַב עֲצָמוֹת – הֵיכָא דְּאִיכָּא מִשְּׁאָר אֵבָרָיו, אֲבָל מִן שִׁדְרָה וְגוּלְגֹּלֶת דְּחַמִּירִי – אֲפִילּוּ רוֹבַע עֲצָמוֹת, אוֹ דִּילְמָא לָא שְׁנָא?

§ **Rami bar Ḥama raised a dilemma:** With regard to **a quarter-*kav* of bones from a spine and a skull, what** is the *halakha*? Does a nazirite shave for them? The Gemara explains the two sides of the dilemma: **When** the mishna **teaches** that one shaves for **a half-*kav* of bones,** does this apply only **when** they **are from his other limbs, but** in the case of bones **from** the **spine and skull, which are stringent,**[N] as they impart ritual impurity on their own, **even a quarter-*kav* of bones** imparts impurity? **Or perhaps** it **is no different.**

אֲמַר רָבָא, תָּא שְׁמַע: הַשִּׁדְרָה וְהַגּוּלְגֹּלֶת, וְאִי סָלְקָא דַּעְתָּךְ רוֹבַע עֲצָמוֹת דְּאָתֵי מִן שִׁדְרָה וְגוּלְגֹּלֶת חָמִיר – לֵיתְנֵי: עַל רוֹבַע עֲצָמוֹת הַבָּא מִן הַשִּׁדְרָה כּוּ'!

Rava said: Come and **hear** a resolution from the mishna, which teaches: **The spine and the skull. And if it enters your mind** that **a quarter-*kav* of bones that come from a spine and skull is** more **stringent** than other limbs and imparts ritual impurity, **let** the *tanna* **teach** this *halakha* in a manner that presents a greater novelty, by stating: **For a quarter-*kav*[N] of bones that come from the spine** and the skull.

BACKGROUND

They include the joints of the hands and feet – יֶשְׁנָן בְּמִפְרְקֵי יָדַיִם וְרַגְלַיִם: In tractate *Oholot* (1:8) the Sages count a total of thirty bones in the arms and legs, including hands and feet. Accordingly, the number of bones in these four limbs amounts to 120, close to half the traditional number of 248 bones in the body. Nowadays there are considered to be twenty-seven bones in each arm and twenty-six in each foot. Apparently the Sages also counted the tiny sesamoid bones found in the joints, which is why they arrived at a larger sum. Since the number of sesamoids varies with age and from one individual to another, it follows that in some skeletons the number of bones of the arms and legs could comprise the majority of bones of the entire body in number and size.

HALAKHA

Even from one of them – אֲפִילּוּ חֲדָא מִינְּהוֹן: A whole spine or a whole skull impart impurity by contact, carrying, and in a tent, like an intact corpse, and a nazirite must shave if he is rendered impure by them. Although this dilemma is left unsolved by the Gemara, Shammai clearly rules in this manner, and the wording of the mishna indicates likewise (*Kesef Mishne*). Furthermore, the Gemara goes to great lengths to substantiate this opinion (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2 and *Sefer Tahara*, *Hilkhot Tumat Met* 2:8).

NOTES

Or from two thighs – אוֹ מִשְּׁתֵּי שׁוֹקַיִם: The shin and thigh constitute the majority of the leg, which forms the majority of an individual's height. Some commentaries find Rabbi Yehoshua's statement somewhat problematic, as he lists three bones but not two, whereas Beit Shammai speak of two or three (*Tosafot*). One explanation is that the two thighs do not come from two legs. Rather, they are two bones, one thicker than the other, which together make up the thigh which are considered a single bone. If so, two thighs and a shin are essentially two bones, whereas two shins and a thigh constitute three (*Tosafot*; Rabbeinu Peretz). Others maintain that Beit Shammai's mention of two should not be taken literally, as it is the manner of the Sages to refer to several items by this term (see 10a).

Shammai says, etc. – שַׁמַּאי אוֹמֵר וכו': The proof that the spine and skull do not need to both be present to impart ritual impurity is apparently from Shammai's statement, as he explicitly counts the spine and skull separately. Many commentaries claim that the Gemara seeks to prove from Shammai's ruling that the Rabbis agree with him in this regard. Although he disputes the other opinions with regard to one bone, it is unlikely that the opinions are so varied that the Rabbis insist that the spine and skull must be together (*Tosafot*; Rosh). According to this explanation, the answer: Shammai is different as he is stringent, should be understood as follows: Shammai's statement affords no proof, as he is often very stringent, and therefore it is possible that he maintains an extreme opinion in opposition to that of the Rabbis.

The spine and skull, which are stringent – שִׁדְרָה וְגוּלְגֹּלֶת דְּחַמִּירִי: Some commentaries explain that the stringency is that these bones impart ritual impurity even if they are extremely small, e.g., if they are from babies or miscarried fetuses, as no minimum volume is stated with regard to the spine and skull (Rid). One question is why Rami bar Ḥama doesn't inquire with regard to a quarter-*kav* from the majority of the structure or the majority of the number of bones, which is also a stringency (*Keren Ora*). The *Keren Ora* answers that, unlike the spine and skull, none of these bones is important or particularly stringent on its own, but only when combined together.

Let the *tanna* teach, for a quarter-*kav* – לֵיתְנֵי עַל רוֹבַע: In other words, the mishna itself should have taught: For a quarter-*kav* of bones from the spine and the skull. The commentaries point out that if this is Rava's inference, he maintains that the spine and skull invariably contain more than a quarter-*kav*, and therefore it is a greater novelty for the mishna to teach: A quarter-*kav* of bones from the spine and skull (*Tosafot*; Rosh).

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HALAKHA

With regard to a quarter-*kav* of bones – בְּרוֹבַע עֲצָמוֹת: It is uncertain whether a quarter-*kav* of bones from a spine or skull imparts ritual impurity in a tent. Consequently, a nazirite does not shave after coming into contact with bones of this type. This is because Rami bar Ḥama's dilemma is left unsolved (*Kesef Mishne*). In any case, a nazirite certainly must shave for touching or carrying these bones, as the *halakha* in this case is no more lenient than with regard to a regular bone, which imparts impurity in this manner in the volume of a lentil-bulk (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:4, and see *Sefer Tahara*, *Hilkhot Tumat Met* 2:9).

וְהָא רָבָא הוּא דְּאָמַר: לֹא נִצְרְכָה אֶלָּא לִשְׁדְרָה וְגוּלְגּוֹלֶת שֶׁאֵין בָּהֶן רוֹבַע עֲצָמוֹת! בָּתַר דִּשְׁמָעָהּ מֵרַבִּי עֲקִיבָא.

The Gemara expresses surprise at this argument: **But** wasn't it **Rava** himself **who said:**[N] This statement is **necessary only for** a whole **spine and skull that do not contain a quarter-*kav* of bones?** This indicates that in his opinion a quarter-*kav* of bones from a spine does impart ritual impurity. The Gemara answers: **After he heard** the statement of the *tanna*, he understood **from Rabbi Akiva**[N] that his dispute in the *baraita* (52a) concerns a spine and skull from two corpses, not a quarter-*kav* from a spine and skull. This interpretation led Rava to change his mind.

תָּא שְׁמַע, שַׁמַּאי אוֹמֵר: עֶצֶם אֶחָד מִן שִׁדְרָה אוֹ מִן גּוּלְגּוֹלֶת! שָׁאנֵי שַׁמַּאי דְּמַחְמִיר טְפֵי.

The Gemara further suggests: **Come** and **hear** a resolution from the following: **Shammai says** that **one bone from the spine or from the skull** imparts ritual impurity. Although the Rabbis dispute his ruling, it can be assumed that they do not have a vastly different opinion. Rather, they accept that a quarter-*kav* from a spine imparts impurity and renders a nazirite obligated to shave. The Gemara rejects this proof: **Shammai is different, as he is very stringent,** and therefore nothing at all can be inferred from his opinion with regard to that of the Rabbis.

לִיפְשׁוֹט מִינָּהּ: טַעֲמָא דְּשַׁמַּאי – דְּמַחְמִיר, הָא לְרַבָּנַן – עַד דְּאִיכָּא חֲצִי קַב עֲצָמוֹת!

The Gemara counters: If in fact the Rabbis maintain an extremely different opinion from that of Shammai, **let us resolve** the problem **in** the opposite manner: **The reasoning** here is that **of Shammai, who is** particularly **stringent.** From this it may be inferred that, **according to** the opinion of **the Rabbis,** one is not rendered impure and a nazirite is not required to shave **unless there is a half-*kav* of bones** from the spine and skull.

דִּילְמָא עַד כָּאן לָא פְּלִיגִי רַבָּנַן עֲלֵיהּ דְּשַׁמַּאי אֶלָּא בְּעֶצֶם אֶחָד, אֲבָל בְּרוֹבַע עֲצָמוֹת – אֲפִילּוּ רַבָּנַן מוֹדוּ.

The Gemara rejects this claim as well: **Perhaps** the argument is not that extreme after all, and **the Rabbis disagree with Shammai only with regard to** whether **one bone** from the spine or from the skull imparts impurity. **However, with regard to a quarter-*kav* of bones,**[H] **even the Rabbis** might **concede** that it renders people and items ritually impure, and a nazirite must shave for it.

NOTES

But wasn't it Rava who said, etc. – וְהָא רָבָא הוּא דְּאָמַר וכו': The early commentaries dispute the meaning of this question. Some explain that the difficulty is Rava's assumption that a spine and a skull contain more than a quarter-*kav* of bones (*Tosafot*). Others maintain that the difficulty is more fundamental, as Rava's statement indicates that a nazirite must shave for a quarter-*kav* from a spine and skull (Commentary on *Nazir*).

After he heard the statement from Rabbi Akiva – בָּתַר דִּשְׁמָעָהּ מֵרַבִּי עֲקִיבָא: This phrase is difficult for several reasons. It usually refers to a statement of *amora'im*, but here it is referring to the opinion of Rabbi Akiva, a *tanna*. Also, in the context here it is unclear which statement of Rabbi Akiva is being referred to. Furthermore, the relevance of this statement to the issue at hand is not immediately evident.

These difficulties led many commentaries to prefer a different reading, which makes the Gemara easier to understand, although it necessitates an addition to the text. According to this explanation, before the phrase: But wasn't it Rava who said, one should insert the statement: Mar Ukva said here we are dealing with a spine and a skull that do not contain a quarter-*kav*. Accordingly, the novelty in the mishna is that it is referring to this particular spine and skull. In other words, Rava's initial question was based on the assumption that a spine and skull certainly contain a quarter-*kav* of bones, to which Mar Ukva responds that sometimes a spine or a skull can be less than a quarter-*kav* in volume. At this point, the Gemara asks: Doesn't Rava himself agree with that opinion? After all, Rava himself stated the same ruling. The Gemara proceeds to answer that after hearing this reasoning from Mar Ukva, not from Rabbi Akiva, as in the standard text, Rava retracted in accordance with Mar Ukva's explanation (*Tosafot*).

Other commentaries uphold the standard text of the Gemara. They claim that the Gemara's statement is referring to the comment of Rabbi Akiva in *Oholot* 2:4, according to which a spine and skull from two corpses are ritually impure. Rava maintains that it is reasonable to interpret this statement as referring to a spine and skull that contain less than a quarter-*kav*, as a quarter-*kav* of bones is mentioned separately in that same mishna. Even the Rabbis dispute Rabbi Akiva's ruling only with regard to bones from two bodies. However, they accept his opinion in the case of a spine and skull that are not a quarter-*kav* in volume, if they come from a single corpse (*Tosafot*; Rosh). According to this interpretation, the phrase: After he heard it from Rabbi Akiva, must be understood in a rather unconventional manner, as: After he analyzed and understood Rabbi Akiva's opinion. Others agree that the term heard means: Understood from Rabbi Akiva, although they offer a different explanation: The key factor is that Rabbi Akiva and the Rabbis in the *baraita* disagree only with regard to bones from two corpses, but they do not dispute the relevant amount. This indicates that everyone agrees that broken bones do not impart impurity when their volume is less than a half-*kav*, even if they come from the spine and skull (Commentary on *Nazir*). The early commentaries analyze these interpretations at length and attempt to justify the varying explanations (see Rabbeinu Peretz). Later authorities also struggle to explain this passage and suggest various emendations to the text (see *Keren Ora*, Gra, and *Birkat Rosh*).

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אָמַר רַבִּי אֱלִיעֶזֶר: זְקֵנִים הָרִאשׁוֹנִים מְקַצָּתָן הָיוּ אוֹמְרִים: חֲצִי קַב עֲצָמוֹת וַחֲצִי לוֹג דָּם – לַכֹּל, רוֹבַע עֲצָמוֹת וּרְבִיעִית דָּם – לֹא לַכֹּל. וּמְקַצָּתָן הָיוּ אוֹמְרִים: אַף רוֹבַע עֲצָמוֹת וּרְבִיעִית דָּם – לַכֹּל.

§ **Rabbi Eliezer said** that **some of the early Elders would say: A half-*kav* of bones**[H] **and a half-*log* of blood** impart ritual impurity **in all** forms. Their impurity applies by Torah law, and therefore they impart impurity in a tent. But **a quarter-*kav* of bones and a quarter-*log* of blood,**[H] they do **not** impart impurity **in all** forms, i.e., they do not impart impurity in a tent. **And some of** these Elders **would say** that **even a quarter-*kav* of bones and a quarter-*log* of blood** impart impurity **in all** forms. This was the dispute of earlier generations.

בֵּית דִּין שֶׁלְּאַחֲרֵיהֶם אָמְרוּ: חֲצִי קַב עֲצָמוֹת וַחֲצִי לוֹג דָּם – לַכֹּל, רוֹבַע עֲצָמוֹת וּרְבִיעִית דָּם – לִתְרוּמָה וְקָדָשִׁים, אֲבָל לֹא לְנָזִיר וְעוֹשֶׂה פֶּסַח.

The **court that followed them said: A half-*kav* of bones and a half-*log* of blood** impart ritual impurity **in all** forms. **A quarter-*kav* of bones and a quarter-*log* of blood** impart impurity only **with regard to *teruma* and offerings,** i.e., the Sages decreed that they impart impurity in a tent to invalidate *teruma* and offerings **but not with regard to a nazirite.** A nazirite is not required to shave or bring offerings for impurity after contact with a quarter-*kav* of bones or a quarter-*log* of blood. **And** similarly, **one who performs** the ritual **of the Paschal offering** may proceed despite the fact that he came into contact with this amount of blood or bones, as the Sages did not apply this decree in cases where one's impurity precludes the performance of a mitzva whose neglect is punishable by *karet*.

מִכְּדִי, אֵין הַכְרָעַת שְׁלִישִׁית מַכְרַעַת! אָמַר רַבִּי יַעֲקֹב בַּר אִידִי: מִפִּי שְׁמוּעָה אָמְרוּ, מִפִּי חַגַּי זְכַרְיָה וּמַלְאָכִי.

The Gemara asks about the ruling of *halakha* in this case. **Now** consider, there is a principle that **the decision** of the **third**[N] opinion is **not** considered **a decision.** A compromise ruling that seeks to resolve a dispute by including factors and cases that were not mentioned in the other two opinions is not considered decisive, so how could the later court make a distinction between a Paschal offering and other cases? **Rabbi Ya'akov bar Idi said:** This ruling was not stated as a compromise. Rather, **they said** it **from tradition, from Haggai, Zechariah, and Malachi,** the last of the prophets. This was not a new attempt to mediate between two earlier opinions but an ancient ruling in its own right.

״עַל אֵלּוּ הַנָּזִיר מְגַלֵּחַ״. ״עַל אֵלּוּ״ דְּרֵישָׁא – לְמַעוּטֵי עֶצֶם כְּשִׁעוֹרָה, דְּעַל מַגָּעוֹ וְעַל מַשָּׂאוֹ – אֵין, וְעַל אֲהִילוֹ – לָא. וְ״עַל אֵלּוּ״ דְּסֵיפָא – לְמַעוּטֵי אֶבֶן הַסְּכוּכִית.

§ The mishna taught that **for** all **these** aforementioned sources of ritual impurity **a nazirite shaves.** The Gemara explains that the phrase: **For these, in** the mishna's **first clause,** serves **to exclude a bone that is a barley-grain-bulk.**[H] **As for touching it and carrying it, yes,** a nazirite shaves, **but for his overlying** it, **no,** he does not shave. **And** the phrase: **For these, in the** mishna's **latter clause,** serves **to exclude an overhanging** [*hasekhukhit*][L] **stone.**[HN] Although a stone that forms a cover over a corpse imparts impurity in a tent, a nazirite is nevertheless not obligated to shave due to this source of impurity.

״וַחֲצִי קַב עֲצָמוֹת״.

§ In its list of sources of impurity for which a nazirite must shave, the mishna taught: **And a half-*kav* of bones.**

HALAKHA

A half-*kav* of bones, etc. – חֲצִי קַב עֲצָמוֹת וכו׳: A half-*kav* of bones from a corpse imparts impurity even if the bones contain less than the majority of the corpse's structure or less than the majority of its bones in number. The same applies to a half-*log* of blood from a single body. Likewise, a nazirite must shave if he comes into contact with either of these and start his term of naziriteship afresh. Furthermore, one is liable to receive the punishment of *karet* for entering the Temple after coming into contact with these bones, and it is also prohibited for him to sacrifice the Paschal offering (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:2; *Sefer Avoda*, *Hilkhot Biat HaMikdash* 3:13; and *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:2).

A quarter-*kav* of bones and a quarter-*log* of blood, etc. – רוֹבַע עֲצָמוֹת וּרְבִיעִית דָּם וכו׳: If a nazirite contracted impurity in a tent from a quarter-*kav* of bones that do not contain the majority of the number of bones in a body or the majority of its structure, or if he contracted impurity from a quarter-*log* of blood from a single corpse by contact, carrying, or in a tent, although he requires sprinkling and immersion for his purification, he does not void his term of naziriteship and he need not shave. Likewise, one who enters the Temple after contracting impurity from these is not liable to receive the punishment of *karet*. As for the Paschal offering, if the Festival occurred on the seventh day of the nazirite's purification, they slaughter it for him, and he need not wait for the second *Pesaḥ*. The Rambam maintains that these sources of impurity apply by rabbinic law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6; *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:2, and see Ra'avad and *Kesef Mishne* there; and *Sefer Tahara*, *Hilkhot Tumat Met* 3:3).

A bone that is a barley-grain-bulk – עֶצֶם כְּשִׁעוֹרָה: A bone the volume of a barley-grain-bulk imparts ritual impurity by contact and carrying, and a nazirite must shave if he is rendered impure in this manner. However, a bone that is a barley-grain-bulk does not impart impurity in a tent (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6 and *Sefer Tahara*, *Hilkhot Tumat Met* 2:10; 3:2).

To exclude an overhanging stone – לְמַעוּטֵי אֶבֶן הַסְּכוּכִית: If branches protruding from a tree or stones jutting out from a wall serve as a tent over a nazirite and a corpse, the nazirite need not shave or negate his naziriteship for this impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6).

LANGUAGE

Overhanging [*sekhukhit*] – סְכוּכִית: Although the term *sekhukhit* is usually synonymous with *zekhukhit*, meaning glass, here it is referring to an item that covers or shades. In this context, it means a stone that is not a part of the structure of a grave but is situated over the grave and covers it.

NOTES

The decision of the third, etc. – הַכְרָעַת שְׁלִישִׁית וכו׳: There are two explanations of this principle. According to one opinion, the term decision in this context means the acceptance of a particular opinion by a later generation, and the third decision is referring to the acceptance of a compromise position, which is not based on the logical reasoning of either of the disputing opinions (Commentary on *Nazir*; Meiri). Others maintain that the third opinion is referring to a decision of students, whose ruling is not important enough to be accepted as a novel *halakha*. It is called the third because this expression initially referred to the third generation (see *Pesaḥim* 20b, and Rabbeinu Ḥananel there). Alternatively, third means external, i.e., an insignificant opinion that is not to be taken seriously (see Meiri on *Ḥullin* 137a).

An overhanging stone – אֶבֶן הַסְּכוּכִית: Most early commentaries maintain that this is similar to the hanging branches and projecting stones listed in the next mishna among the items for which a nazirite is not obligated to shave. In other words, this refers to stones that project from a fence over the body. Some commentaries cite a version of the text that says so unambiguously (Meiri). The Commentary on *Nazir* suggests two interpretations. Perhaps this refers to a very heavy stone, i.e., a boulder placed on the corpse, which does not obligate a nazirite to shave although it does render him ritually impure if he sits on it. Alternatively, it means a stone carried by the nazirite on his shoulders, which overlies a grave (see *Nusḥat Rivan*). Some say that an overhanging [*sekhukhit*] stone means one made of glass [*zekhukhit*], i.e., a transparent stone, which does not impart impurity (*Shita Mekubbetzet*).

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חֲצִי קַב עֲצָמוֹת – אִין, רוֹבַע עֲצָמוֹת – לָא. הֵיכִי דָּמֵי? אִילֵימָא דְּאִית בְּהוֹן עֲצָמוֹת כִּשְׁעוֹרָה – תֵּיפּוֹק לֵיהּ מִשּׁוּם עֶצֶם כִּשְׁעוֹרָה! אֶלָּא, דְּאַקְמַח אַקְמוּחֵי.

The Gemara analyzes this ruling of the mishna: **A half-*kav* of bones, yes,** a nazirite must shave if he contracts impurity from them; **a quarter-*kav* of bones, no,** he does not. **What are the circumstances? If we say that they contain**[N] **bones** that are **a barley-grain-bulk, let** the *tanna* of the mishna **derive** the *halakha* that it imparts ritual impurity **due to** the fact that it is **a bone that is a barley-grain-bulk. Rather,** the mishna is referring to a situation **where it has been made like flour.**[H] In that case, a half-***kav*** of bones render people and items impure in a tent, although they do not include a bone the volume of a barley-grain-bulk.

״עַל אֵבֶר מִן הַמֵּת וְעַל אֵבֶר מִן הַחַי שִׁיֵּשׁ עֲלֵיהֶן בָּשָׂר כָּרָאוּי״. אֵין עֲלֵיהֶן בָּשָׂר כָּרָאוּי מַאי? רַבִּי יוֹחָנָן אָמַר: אֵין הַנָּזִיר מְגַלֵּחַ עֲלֵיהֶן, רֵישׁ לָקִישׁ אָמַר: הַנָּזִיר מְגַלֵּחַ עֲלֵיהֶן.

§ The mishna taught that a nazirite shaves **for a limb** severed **from a corpse and for a limb** severed **from a living** person, **upon** either of **which there is a fitting** quantity of **flesh.** The Gemara asks: If **there is not a fitting** quantity of **flesh upon them,**[H] **what** is the *halakha*? **Rabbi Yoḥanan said: The nazirite does not shave for them. Reish Lakish said: The nazirite does shave for them.**

רַבִּי יוֹחָנָן אָמַר: אֵין הַנָּזִיר מְגַלֵּחַ עֲלֵיהֶן, דְּהָא קָתָנֵי בְּרֵישָׁא: עַל אֵבֶר מִן הַמֵּת, וְעַל אֵבֶר מִן הַחַי וכו׳, שִׁיֵּשׁ עֲלֵיהֶן כַּזַּיִת בָּשָׂר – אִין, אֲבָל אֵין עֲלֵיהֶם – לָא.

The Gemara explains their respective opinions. **Rabbi Yoḥanan said: The nazirite does not shave for them, as** the *tanna* **teaches in the first clause** of the mishna in the list of sources of ritual impurity for which a nazirite must shave: **For a limb** severed **from a corpse and for a limb** severed **from a living** person that contains a fitting quantity of flesh. One can infer from this: **Those upon which there is an olive-bulk of flesh, yes,** he must shave for them, **but** if **there is not** that amount of flesh **upon them, no,** a nazirite need not shave due to them.

וְרַבִּי שִׁמְעוֹן בֶּן לָקִישׁ אוֹמֵר: מְגַלֵּחַ, מִדְּלָא קָתָנֵי בְּסֵיפָא.

And Rabbi Shimon ben Lakish says that **he shaves,** employing the following reasoning: **From** the fact that the mishna **does not teach** the following **in the latter clause,** i.e., the subsequent mishna (54a), in the list of sources of impurity for which a nazirite need not shave: A limb that does not contain a fitting quantity of flesh, one can infer that a nazirite is obligated to shave for a limb of that type.

וְרַבִּי יוֹחָנָן אָמַר לָךְ: כָּל הֵיכָא דְּמַשְׁמַע מִכְּלָלָא – לָא קָתָנֵי בְּסֵיפָא.

And Rabbi Yoḥanan could have **said to you,** in response to Rabbi Shimon ben Lakish's argument: The fact that the mishna omits this case from the list is not proof, as the *tanna* **does not teach in the latter clause anything that can be understood by inference** from the earlier mishna.

NOTES

If we say that they contain, etc. – אִילֵימָא דְּאִית בְּהוֹן וכו׳: The commentaries ask: Since the mishna is dealing with the ritual impurity imparted in a tent, why does the Gemara inquire about the case of a bone the volume of a barley-grain-bulk, which does not impart impurity in a tent (*Tosafot*)? They answer that the basis for the question is the statement of the subsequent mishna (54a), that although a nazirite does not shave for overlying a quarter-*kav* of bones, he is obligated to shave for touching or carrying it. If so, this mishna's statement concerning a half-*kav* of bones, which excludes a quarter-*kav* of bones, likewise is referring to impurity imparted by contact.

HALAKHA

Where it has been made like flour – דְּאַקְמַח אַקְמוּחֵי: A quarter-*kav* of bones from one corpse that does not contain a single bone the volume of a barley-grain-bulk imparts ritual impurity in a tent as though it included a bone of this size. The *halakha* is in accordance with the opinion of the Rabbis (*Kesef Mishne*). The Rambam does not specify whether a nazirite shaves for touching or carrying this quarter-*kav*, but *Tosafot* and the Meiri rule that he is obligated to shave (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 4:4).

There is not a fitting quantity of flesh upon them – אֵין עֲלֵיהֶן בָּשָׂר כָּרָאוּי: If a nazirite was rendered ritually impure by a limb severed from a living person or by a limb severed from a corpse that was not covered by a fitting quantity of flesh, he requires sprinkling on the third and seventh days. However, he does not shave for his impurity, nor does he bring offerings. He does not negate his earlier period of naziriteship, although his days of impurity do not count toward his term of naziriteship. The *halakha* is in accordance with the opinion of Rabbi Yoḥanan (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6–7).

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וְהָא חֲצִי קַב עֲצָמוֹת, דְּמַשְׁמַע: חֲצִי קַב עֲצָמוֹת – אִין, רוֹבַע עֲצָמוֹת – לָא, וְקָתָנֵי בְּסֵיפָא רוֹבַע עֲצָמוֹת!

The Gemara raises a difficulty against this claim of Rabbi Yoḥanan: **But** the first clause of the mishna lists the case of **a half-*kav* of bones,** which **indicates: A half-*kav* of bones, yes,** a nazirite must shave for that; **a quarter-*kav* of bones, no,** he is not obligated to shave for that. **And** yet the *tanna* **teaches in the latter clause** that a nazirite does not shave for **a quarter-*kav* of bones.** This shows that the next mishna does not rely on the rulings of this mishna. Rather, it lists all the items for which a nazirite need not shave.

הָתָם, אִי לָאו רוֹבַע עֲצָמוֹת הֲוָה אָמְינָא: אֲפִילּוּ עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ לָא, לְהָכִי אִיצְטְרִיךְ לְמִיתְנֵי רוֹבַע עֲצָמוֹת – דְּעַל אֲהִילָן הוּא דְּאֵין הַנָּזִיר מְגַלֵּחַ.

The Gemara rejects this argument: **There, had** the *tanna* **not** taught **a quarter-*kav* of bones, I would say** that he need **not** shave **even for touching it or carrying it. For this** reason it **was necessary** for the mishna **to teach** the case of **a quarter-*kav* of bones,** to indicate that **it is** only **for their** ritual impurity contracted in **a tent** that **a nazirite does not shave.**

וְהָא חֲצִי לוֹג דָּם, דִּשְׁמַעְתְּ מִינַּהּ: חֲצִי לוֹג דָּם – אִין, רְבִיעִית דָּם – לָא, וְקָתָנֵי בְּסֵיפָא רְבִיעִית דָּם. הָתָם לְאַפּוּקֵי מִדְּרַבִּי עֲקִיבָא, דַּאֲמַר רַבִּי עֲקִיבָא: רְבִיעִית דָּם הַבָּא מִשְּׁנֵי מֵתִים – מְטַמֵּא בְּאֹהֶל.

The Gemara raises a further difficulty: **But** the mishna lists **a half-*log* of blood** among those sources of impurity for which a nazirite must shave, **from which you** can **learn** that for **a half-*log* of blood, yes,** he shaves; for **a quarter-*log* of blood, no,** he does not shave. **And** yet **the latter clause** of the mishna **teaches** that he need not shave for **a quarter-*log* of blood.** The Gemara answers: It is also necessary to state this *halakha* unambiguously **there, to exclude** the opinion **of Rabbi Akiva,**[N] **as Rabbi Akiva said: A quarter-*log* of blood that comes from two corpses renders** people and items **impure in a tent,** whereas the mishna simply states: A quarter-*log*, which indicates that all of the blood comes from a single corpse.

הַאי אֵבֶר מִן הַמֵּת, הֵיכִי דָּמֵי? אִי דְּאִית בֵּיהּ עֶצֶם כִּשְׁעוֹרָה – מַאי טַעְמָא דְּרַבִּי יוֹחָנָן? וְאִי דְּלֵית בֵּיהּ עֶצֶם כִּשְׁעוֹרָה – מַאי טַעְמָא דְּרֵישׁ לָקִישׁ? אָמַר לָךְ רֵישׁ לָקִישׁ: לְעוֹלָם דְּלֵית בֵּיהּ עֶצֶם כִּשְׁעוֹרָה, וְאַפִּילּוּ הָכִי רַחֲמָנָא רַבְּיֵיהּ,

The Gemara analyzes the dispute between Rabbi Yoḥanan and Reish Lakish: **What are the circumstances** of **this limb** severed **from a corpse** that is not covered by sufficient flesh? **If it contains a bone that is a barley-grain-bulk, what is Rabbi Yoḥanan's reason** for maintaining that a nazirite does not have to shave for this ritual impurity? A bone of this size imparts impurity even if there is no flesh upon it. **And if it does not contain a bone that is a barley-grain-bulk, what is Reish Lakish's reason** for saying that a nazirite must shave due to this bone? The Gemara explains that **Reish Lakish** could have **said to you: Actually** we are dealing with a limb **that does not contain a bone that is a barley-grain-bulk, and even so the Merciful One includes it** as a source of ritual impurity.

דְּתַנְיָא: ״וְכֹל אֲשֶׁר יִגַּע עַל פְּנֵי הַשָּׂדֶה בַּחֲלַל חֶרֶב אוֹ בְּמֵת״. ״עַל פְּנֵי הַשָּׂדֶה״ – זֶה הַמַּאֲהִיל עַל פְּנֵי הַמֵּת, ״בַּחֲלַלֵי״ – זֶה אֵבֶר מִן הַחַי וְיֵשׁ לוֹ לְהַעֲלוֹת אֲרוּכָה,

This is **as it is taught** in a *baraita*: **"And whoever in the open field touches one who is slain by the sword, or one who dies on his own,** or a bone of a man, or a grave, shall be unclean seven days" (Numbers 19:16). This verse is expounded by the Sages as follows: **"In the open field"; this** is referring to the *halakha* of **one who overlies a corpse,**[BH] even without touching it. **"One who is slain"; this** is referring to **a limb** slain, i.e., severed, **from a living** person, **that contains**[H] enough flesh **for** the limb **to heal.**

NOTES

To exclude the opinion of Rabbi Akiva – לְאַפּוּקֵי מִדְּרַבִּי עֲקִיבָא: According to this standard version of the text, the Gemara is saying that emphasis of the mishna is on the phrase a quarter-*log*, which indicates that this volume of blood comes from a single corpse, in contrast to Rabbi Akiva's ruling that blood imparts ritual impurity in this amount even if it comes from two corpses (Commentary on *Nazir*). Most commentaries omit the sentence: As Rabbi Akiva said…from two corpses. They maintain that the reference here is to Rabbi Akiva's argument in the mishna at the end of the chapter (56b) that a nazirite should shave for a quarter-*log* of blood.

BACKGROUND

One who overlies a corpse – הַמַּאֲהִיל עַל פְּנֵי הַמֵּת: The *halakhot* of the ritual impurity imparted by a corpse, including a tent covering a corpse, are discussed in great detail in tractate *Oholot*. The essential *halakhot* of a tent over a corpse are detailed in the Torah (Numbers, chapter 19). The Sages derive that the place in which a corpse is located becomes entirely impure and renders everything in that place impure as well. By Torah law, this *halakha* applies when a corpse is located in a complete tent. However, the Sages concluded that even the smallest area that can be deemed a tent, an item with the size of one square handbreadth that covers one handbreadth of airspace, also falls under the same rubric: The covering itself and what is under it are rendered ritually impure with the impurity imparted by a corpse.

HALAKHA

One who overlies a corpse – הַמַּאֲהִיל עַל פְּנֵי הַמֵּת: A corpse renders one ritually impure for seven days by imparting impurity in a tent, as stated in the Torah. This includes situations where a person or a vessel overlies a corpse (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 1:1, 10).

A limb from a living person that contains, etc. – אֵבֶר מִן הַחַי וְיֵשׁ לוֹ וכו׳: If a limb severed from a living person is covered with enough flesh for it to heal were it still attached, it imparts ritual impurity via contact, carrying, and in a tent. If any part of the bone itself is missing, it does not render people and items impure. If it lacks sufficient flesh, it imparts impurity by contact and carrying but not in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:3).

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"חֶרֶב" – הֲרֵי זֶה כְּחָלָל, "אוֹ בְּמֵת" – זֶה אֵבֶר הַנֶּחְלָל מִן הַמֵּת, "אוֹ בְּעֶצֶם אָדָם" – זֶה רוֹבַע עֲצָמוֹת "אוֹ בְּקֶבֶר" – זֶה קֶבֶר סָתוּם.

The Sages further derive from the phrase "one who is slain by the sword" that the legal status of a metal **sword** in terms of its degree of ritual impurity **is like** that of **one who is slain,**[NH] i.e., a metal implement, e.g., a sword, that was rendered impure through contact with a corpse is impure to the same degree of severity as a corpse itself. **"Or one who dies on his own"; this is a limb that was slain,** i.e., severed, **from a corpse**[H] and is covered with enough flesh that it would heal if he were alive. **"Or a bone of a man"; this is a quarter-*kav* of bones.**[H] **"Or a grave"; this is a sealed grave,**[NH] which imparts impurity when there is less than a handbreadth between the corpse and its cover.

NOTES

A sword is like one who is slain – חֶרֶב הֲרֵי זֶה כְּחָלָל: All the commentaries and authorities agree that a special *halakha* applies to a metal vessel rendered ritually impure by a corpse, as it imparts impurity like the corpse itself, so that one who touches it is impure for seven days. This is in contrast to any other vessel that was rendered impure by a corpse. Nevertheless, there are differences of opinion as to whether a sword is like a corpse in all regards, including the impurity imparted in a tent, or whether it imparts impurity only by contact, and some say by carrying as well. Likewise, some authorities maintain that just as it is accepted that the word sword includes all metal implements, the same *halakha* applies to all vessels that can be purified in a ritual bath, including wooden ones and the like.

A sealed grave – קֶבֶר סָתוּם: Various *halakhot* apply to a sealed grave, although the details of these *halakhot* are subject to differences of opinion among the early commentaries. The basic *halakha* accepted by everyone is that a sealed grave that lacks the space of a handbreadth between the corpse and its cover imparts ritual impurity in a tent in the manner of a pressed ritual impurity. In other words, it renders impure anything positioned above the grave, even if a stone partition separates the corpse from that which overlies it.

HALAKHA

A sword is like one who is slain – חֶרֶב הֲרֵי זֶה כְּחָלָל: Some authorities maintain that any vessel rendered ritually impure by a corpse, whether by contact, carrying, or in a tent, imparts impurity via contact like a corpse itself, except for those items that cannot be purified in a ritual bath, e.g., earthenware vessels (Rambam). Others rule that even these implements impart impurity by carrying (Ramban). Yet others contend that this principle applies only to metal vessels, although they rule that these articles render people and items impure even in a tent (Ra'avad; *Tosafot*). Some authorities maintain that a priest is prohibited from contracting impurity from a sword that was rendered impure by a corpse, whereas others are lenient. The custom is not to be stringent in this regard (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 5:3; *Shulḥan Arukh, Yoreh De'a* 369:1, and in the comment of Rema).

A limb that was slain from a corpse – אֵבֶר הַנֶּחְלָל מִן הַמֵּת: A limb severed from a corpse imparts ritual impurity like a whole corpse, provided it contains flesh, sinews, and bones. If part of the bone is missing, but an olive-bulk of flesh remains, it imparts impurity like a whole body. Some maintain that this bone imparts impurity only via contact and carrying (Ra'avad). If some of the flesh is lacking but enough remains that were this limb attached to a living person it would heal, it imparts impurity like an intact corpse. If it is not covered by sufficient flesh, it is like a regular bone from a corpse (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:4).

A quarter-*kav* of bones – רוֹבַע עֲצָמוֹת: A quarter-*kav* of bones from a corpse imparts ritual impurity by contact, carrying, and in a tent, even if the bones comprise neither the majority of the number of bones in a body nor the majority of its structure, nor a whole spine nor a whole skull. If the bones amount to less than a quarter-*kav*, they do not impart impurity in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:9).

This is a sealed grave – זֶה קֶבֶר סָתוּם: If a grave containing a corpse is sealed up, it imparts impurity by contact and in a tent. Consequently, a priest who touches the grave is liable to receive lashes (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:15 and *Sefer Shofetim*, *Hilkhot Evel* 3:2).

Perek **VII**
Daf **54** Amud **a**

HALAKHA

Breaks through and ascends, etc. – בּוֹקַעַת וְעוֹלָה וכו': If a source of ritual impurity in a tent of a corpse was pressed ritual impurity, i.e., impurity separated from its cover by less than a handbreadth, the impurity breaks through to the sky and down to the depths, even if it is blocked by multiple barriers. However, it does not impart impurity to its surroundings (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 7:4–5; see Ra'avad).

A limb slain from the living – אֵבֶר הַנֶּחְלָל מִן הַחַי: If a limb severed from a living person is not covered by enough flesh for it to heal were it attached, it imparts impurity by contact and carrying but not in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:3).

A grave before the command – קֶבֶר שֶׁלִּפְנֵי הַדִּיבּוּר: Gentiles and their graves do not render people and items impure in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 1:13).

דְּאָמַר מָר: טוּמְאָה בּוֹקַעַת וְעוֹלָה בּוֹקַעַת וְיוֹרֶדֶת. וְאִילּוּ גַּבֵּי נְגִיעָה, אָמַר רַב יְהוּדָה, תַּנְיָא: "(וְכָל) הַנּוֹגֵעַ בַּעֶצֶם אוֹ בֶּחָלָל". "בָּעֶצֶם" – זֶה עֶצֶם כִּשְׁעוֹרָה, "אוֹ בֶחָלָל" – זֶה אֵבֶר הַנֶּחְלָל מִן הַחַי וְאֵין בּוֹ לְהַעֲלוֹת אֲרוּכָה,

As the Master said: Ritual impurity in a sealed grave **breaks through** and **ascends**[H] **and breaks through and descends,** so that the grave imparts impurity like the corpse itself. **While with regard to contact** with these sources of impurity, **Rav Yehuda said** that **it is taught** in a *baraita* that the verse "**and** upon **him that touched a bone, or the slain,** or the dead, or the grave" (Numbers 19:18) is expounded as follows: **"A bone"; this is a bone that is a barley-grain-bulk. "Or the slain"; this is a limb slain,** i.e., severed, **from the living,**[H] **which does not contain** enough flesh **for it to heal.**

"אוֹ בַמֵּת" – זֶה אֵבֶר הַנֶּחְלָל מִן הַמֵּת, "אוֹ בַקֶּבֶר" – אָמַר רֵישׁ לָקִישׁ: זֶה קֶבֶר שֶׁלִּפְנֵי הַדִּיבּוּר.

The *baraita* continues its interpretation of the verse. **"Or the dead"; this is a limb slain from a corpse,** which is not covered by enough flesh for it to heal were he alive. **"Or the grave"; Reish Lakish said: This is a grave** that contained a corpse from **before** the time **the command**[H] of these *halakhot* was given to the Jewish people. These graves render people and items ritually impure by contact, but do not carry the *halakhot* of impurity imparted in a tent.

הַאי אֵבֶר מִן הַמֵּת הֵיכִי דָּמֵי? אִי דְּאִית בֵּיהּ עֶצֶם כִּשְׁעוֹרָה – הַיְינוּ הַנּוֹגֵעַ בְּעֶצֶם. אֶלָּא – דְּלֵית בֵּיהּ עֶצֶם כִּשְׁעוֹרָה, וַאֲפִילּוּ הָכִי רַחֲמָנָא רַבְּיֵיהּ!

The Gemara asks: With regard to **this limb from a corpse,** which is listed above as imparting ritual impurity by contact, **what are the circumstances** of the case? **If** the limb **contains a bone that is a barley-grain-bulk, this is** included in the *halakha* of **one who touches a bone,** and it was already taught that a bone imparts impurity by contact. **Rather,** it must be **that it does not contain a bone that is a barley-grain-bulk, and even so the Merciful One includes it** in the *halakhot* of impurity, despite the fact that it does not contain enough flesh. This indicates that a nazirite shaves for a limb of this kind, in accordance with the opinion of Reish Lakish.

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אָמַר לָךְ רַבִּי יוֹחָנָן: לְעוֹלָם דְּאִית בֵּיהּ, וְאִם אֵינוֹ עִנְיָן לְמַגָּעוֹ – תְּנֵהוּ עִנְיָן לְמַשָּׂאוֹ.

The Gemara responds: In answer to this proof of Reish Lakish, **Rabbi Yoḥanan** could have **said to you: Actually,** you should explain **that it does contain**[H] a bone the volume of a barley-grain-bulk, **and if it does not** need to refer to **the matter of its contact,**[N] as the verse explicitly states: "Anyone who touches a bone," **have it refer to the matter of its carrying,**[H] i.e., that one who carries it is also rendered ritually impure.

"וּמַזֶּה הַשְּׁלִישִׁי וּבַשְּׁבִיעִי וְסוֹתֵר" וכו'.

§ The mishna taught with regard to any nazirite who became impure from one of the listed sources of impurity: **And** a priest **sprinkles** the ashes of the red heifer on him **on the third and on the seventh** days, **and he negates** all the previous days he counted toward his nazirite-ship, and he does not begin counting a fresh term of naziriteship until after he becomes pure and brings his offerings.

אִיבַּעְיָא לְהוּ: הָא דְּקָתָנֵי "עַד שֶׁיִּטְהַר" – בַּשְּׁבִיעִי קָאֵי, עַד דְּעָבֵיד הֶעֱרֵב שֶׁמֶשׁ, וּמַנִּי – רַבִּי אֱלִיעֶזֶר הִיא. אוֹ דִילְמָא: בַּשְּׁמִינִי קָאֵי, וּמַאי "עַד שֶׁיִּטְהַר" – עַד שֶׁיָּבִיא קָרְבְּנוֹתָיו, וּמַנִּי – רַבָּנַן הִיא?

A dilemma was raised before the Sages: What is the meaning of **that which is taught** that a nazirite does not start counting **until he is purified?** Does the mishna refer to one who is **standing on the seventh** day of his purification and mean: **Until** he **performs** the requisite waiting for **sunset?**[N] **And whose** opinion is it? **It is** the opinion of **Rabbi Eliezer,** who rules that a nazirite starts counting from the eighth day, even before he brings his offerings. **Or perhaps** it is referring to one who is **standing on the eighth** day. **And** then, **what** is the meaning of: **Until he is purified?** It means: **Until he brings his offerings. And who is** the author of this opinion? **It is the Rabbis,** who maintain that he begins his fresh period of naziriteship only after he has sacrificed his offering of impurity (see 18b).

תָּא שְׁמַע, מִדְּקָתָנֵי סֵיפָא "מַתְחִיל וּמוֹנֶה מִיָּד". הָא רֵישָׁא מַאי "עַד שֶׁיִּטְהַר" – עַד שֶׁיָּבִיא קָרְבְּנוֹתָיו, וּמַנִּי – רַבָּנַן הִיא, דְּאָמְרִי: נְזִירוּת דְּטָהֳרָה עַד שְׁמִינִי לָא חַיְילָא.

The Gemara answers: **Come** and **hear** a resolution of this dilemma **from** the fact **that it teaches in the latter clause** of the next mishna that a nazirite who does not have to bring an offering **starts counting immediately** after the conclusion of his seven days of purification. The Gemara infers from this mishna: If so, **what is** the meaning of the different term used in **the first clause: Until he is purified?** It means **until he brings his offerings, and whose** opinion is it? **It is** that of **the Rabbis, who say** that the **naziriteship of purity does not commence until the eighth** day.

מתני' אֲבָל הַסְּכָכוֹת, וְהַפָּרָעוֹת, וּבֵית הַפְּרָס,

MISHNA The previous mishna listed the sources of ritual impurity for which a nazirite must shave. This mishna adds: **However,** the nazirite does not shave for these: **The hanging** branches[N] over a corpse, i.e., a tree overhanging a body that a nazirite passes, but it is uncertain which branches are over a corpse; **and the projecting** stones[H] from fences when the place of the impurity is unknown; **and a *beit haperas,*** a place that contained a grave and was plowed. In the latter case, the entire area around the grave is impure from a corpse due to an uncertainty, as it might contain human bones.

HALAKHA

Actually that it does contain – לְעוֹלָם דְּאִית בֵּיהּ: If a limb severed from a dead body contains a bone the volume of a barley-grain-bulk, but it is not covered with enough flesh that it could heal were it on a living person, it imparts ritual impurity by carrying and contact but not in a tent (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:4, see Ra'avad).

Have it refer to the matter of its carrying – תְּנֵהוּ עִנְיָן לְמַשָּׂאוֹ: A bone of a corpse the volume of a barley-grain-bulk imparts impurity by carrying as well as by contact (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 3:2).

However, the hanging branches and the projecting stones, etc. – אֲבָל הַסְּכָכוֹת וְהַפָּרָעוֹת וכו': If a nazirite became ritually impure due to a clod of earth from outside of Eretz Yisrael; or by walking through a *beit haperas*, a field in which a grave was plowed; or if branches of a tree or stones from a fence protruded and served as a tent over both him and a corpse, called hangings and projections by the mishna; or in a tent with a quarter-*kav* of bones that do not contain the majority of the structure or the majority of the number of bones of a corpse; or through a quarter-*log* of blood from a corpse; or by a grave cover or grave walls; or by a limb severed from a corpse or from a living person that was not covered by sufficient flesh; in all of these cases, the nazirite requires sprinkling on the third and seventh days but does not have to shave (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6, 8).

NOTES

If it does not refer to the matter of its contact – אִם אֵינוֹ עִנְיָן לְמַגָּעוֹ: The impurity imparted by touching a bone is derived from the words "and upon him that touched a bone" (Numbers 19:18). This includes a bone the volume of a barley-grain-bulk, even when it is not covered by flesh. Since the phrase "or the dead" is superfluous, the Sages learn from it that this bone imparts impurity by carrying as well. According to Rabbi Yoḥanan, this phrase is the main source for the *halakha* of the impurity imparted through carrying a bone the size of a barley-grain-bulk, which is not explicitly stated in the Torah. The commentaries note that Reish Lakish evidently derives this *halakha* from a different verse (Rabbeinu Azriel).

Until he performs the requisite waiting for sunset – עַד דְּעָבֵיד הֶעֱרֵב שֶׁמֶשׁ: Some early commentaries omit this phrase. The key issue is Rabbi Eliezer's opinion. According to some authorities, he maintains that the nazirite does not wait until evening but begins to count from the seventh day itself (*Tosafot*). Others contend that even according to Rabbi Eliezer, he starts counting only from the eighth day (Commentary on *Nazir*; see Rabbi Akiva Eiger on the mishna).

However the hanging branches, etc. – אֲבָל הַסְּכָכוֹת וכו': This list of items that do not render a nazirite obligated to shave includes various rabbinic sources of ritual impurity, i.e., hanging branches, projecting stones, and the land of the nations. It is obvious that a nazirite need not shave for these sources of impurity, as the Sages would not impose a decree that nullifies a mitzva of the Torah. However, the mishna also lists other items, including a quarter-*log* of blood and a quarter-*kav* of bones, whose impurity applies by Torah law (see *Tosafot*). Some commentaries maintain that there is a difference between the *halakhot* of a nazirite and the *halakhot* pertaining to standard impurity from a corpse (Rambam's Commentary on the Mishna). With regard to a nazirite, the verse states: "And if any man dies very suddenly beside him" (Numbers 6:9), rather than: If he becomes impure from the body of a person. This indicates that a nazirite shaves only if he was rendered impure from an actual corpse. Others maintain that this verse teaches that the impurity for which a nazirite must shave is that of a whole corpse (Ra'avad). In any case, the Rambam himself states that those sources of impurity for which a nazirite need not shave do not impart impurity by Torah law.

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BACKGROUND

Grave cover [*golel*] – גּוֹלֵל: A *golel* was a large stone that was rolled onto a grave or burial cave to seal its entrance. Burial caves of important people were covered with a large, wheel-shaped stone that could be rolled back to allow entrance to the cave.



Burial cave with stone cover in northern Israel

וְאֶרֶץ הָעַמִּים, וְהַגּוֹלֵל וְהַדּוֹפֵק, וּרְבִיעִית דָּם, וְאֹהֶל, וְרוֹבַע עֲצָמוֹת, וְכֵלִים הַנּוֹגְעִים בַּמֵּת, וּבִימֵי סְפָרוֹ וּבִימֵי גִּמְרוֹ – עַל אֵלּוּ אֵין הַנָּזִיר מְגַלֶּחַ.

The mishna continues its list: **And the land of the nations,** i.e., a nazirite left Eretz Yisrael for another land. The Sages decreed that all land outside of Eretz Yisrael is ritually impure. **And the grave cover;**[B] **and the grave walls** upon which the cover rests; **and a quarter-*log* of blood** from a corpse; **and a tent; and a quarter-*kav* of bones**[N] of a corpse; **and vessels that are touching a corpse. And** if the nazirite is **in the days of his counting,** i.e., the seven days a leper must count after purification from his leprosy; **or in his days of full** leprosy, when he is a full-fledged leper, **for these the nazirite does not shave.**[N] This is the case even if he is rendered impure by one of the sources listed in the previous mishna.

וּמַזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי,

And in those cases listed that involve ritual impurity from a corpse, **one sprinkles** the purification water upon him **on the third and on the seventh** days of his purification,

NOTES

And a tent, and a quarter-*kav* of bones – וְאֹהֶל וְרוֹבַע עֲצָמוֹת: Some commentaries infer from the fact that the mishna lists a tent and a quarter-*kav* of bones as distinct items that a nazirite who comes into contact with a tent of a corpse need not shave (Rambam). Others maintain that this should be read as a single item: And the tent of a quarter-*kav* of bones (see Rabbi Ovadya Bartenura and *Tosefot Yom Tov*).

For these the nazirite does not shave – עַל אֵלּוּ אֵין הַנָּזִיר מְגַלֶּחַ: The commentaries note that this statement does not apply to all these cases, as a leper is in fact obligated to shave (*Tosafot*). Others state that although a leper must shave, this differs from the shaving of a nazirite, as a leper shaves all the hair of his body, not merely his head (Rabbeinu Peretz).

Perek **VII**
Daf **54** Amud **b**

HALAKHA

And he does not negate, etc. – וְאֵינוֹ סוֹתֵר וכו': A nazirite who was rendered ritually impure by one of the sources of impurity listed in the mishna does not negate his earlier period of naziriteship. He neither shaves for his impurity nor brings the relevant offerings. After his purification, he continues to count the days of his naziriteship. However, the days of his impurity do not count toward his term (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:7–9).

Days of the *zav*, etc. – יְמֵי הַזָּב וכו': The days of a leper's confinement and the days of the impurity of a *zav* or a *zava* count toward their naziriteship term, despite their impurity. This is a *halakha* transmitted to Moses from Sinai (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:9).

Hanging branches and projecting stones – סְכָכוֹת וּפְרָעוֹת: The hangings mentioned in the mishna are boughs that extend from trees, while projections are stones that jut out of fences. These are not strong enough to bear a medium-sized cover without bending inward. If they can bear that weight, they impart ritual impurity by Torah law (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6 and *Sefer Tahara*, *Hilkhot Tumat Met* 13:2).

וְאֵינוֹ סוֹתֵר אֶת הַקּוֹדְמִים, וּמַתְחִיל וּמוֹנֶה מִיָּד, וְקָרְבָּן אֵין לוֹ. בֶּאֱמֶת אָמְרוּ: יְמֵי הַזָּב וְהַזָּבָה, וִימֵי הֶסְגֵּרוֹ שֶׁל מְצוֹרָע – הֲרֵי אֵלּוּ עוֹלִין לוֹ.

and he does not negate[H] **the earlier** days[N] of his naziriteship, but they are considered part of his naziriteship term. **And he starts counting** the rest of his naziriteship to complete his term **immediately** after his purification, **and he has no** obligation to sacrifice **an offering** of impurity for these sources of ritual impurity. **Actually they said** an ancient tradition that these **days of** the impurity of **the *zav*** (Leviticus 15:1–15)[H] **and the *zava*** (Leviticus 15:25–30) **and the days of the confinement of a leper** before he is confirmed as a full-fledged leper (Leviticus 13:4–5) **count for him** toward the period of his naziriteship.

גמ' וְאֵלּוּ הֵן הַסְּכָכוֹת – אִילָן הַמֵּיסֵךְ עַל הָאָרֶץ, וּפְרָעוֹת – הַיּוֹצְאוֹת מִן הַגָּדֵר.

GEMARA The Gemara explains the terms hangings and projections by citing a mishna (*Oholot* 8:2). **And these are the hangings: A tree that overhangs the earth.**[N] **And the projections**[N] are stones[H] **that protrude from a fence.**

NOTES

And he does not negate the earlier days – וְאֵינוֹ סוֹתֵר אֶת הַקּוֹדְמִים: Although he does not forfeit the earlier period, these days of purification do not count toward his naziriteship. Rather, after he is purified he resumes counting where he left off.

A tree that overhangs the earth – אִילָן הַמֵּיסֵךְ עַל הָאָרֶץ: All commentaries agree that this is referring to a tree whose branches are spread apart so that they do not form one unbroken cover. The disagreements concern the details of the case. Some commentaries maintain that the branches in question are thinner than a handbreadth and are not positioned close together. As a result, they do not form a tent by Torah law, even if the nazirite were to walk under each of the branches (*Tosafot*). Others contend that this is referring to branches that are one handbreadth wide, and the nazirite walked under some, but not all, of them. He is not rendered ritually impure by Torah law because the tree is situated in the public domain, and when there is uncertainty with regard to impurity in the public domain it is considered pure (Rabbeinu Peretz; see Rosh). Others indicate that the tree does not impart impurity by Torah law because the branches are not strong enough, and therefore it is classified as a shaky tent (Rambam).

Projections – פְּרָעוֹת: In this case, it was known that there was a grave of a stillborn or an olive-bulk from a corpse under one of the stones. However, the identity of that stone is unknown. Consequently, a nazirite who passes beneath some of the stones remains pure, as this is a case of uncertainty with regard to impurity in the public domain.

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"וְאֶרֶץ הָעַמִּים". אִיבַּעְיָא לְהוּ: אֶרֶץ הָעַמִּים מִשּׁוּם אֲוִירָא גָּזְרוּ עָלֶיהָ, אוֹ דִילְמָא מִשּׁוּם גּוּשְׁתָּא גָּזְרוּ עָלֶיהָ?

§ The mishna further taught: **And the land of the nations** does not render a nazirite obligated to shave, despite the fact that it is considered ritually impure. The Gemara inquires with regard to the nature of this impurity. **A dilemma was raised before** the Sages: Did the Sages **decree the land of the nations** impure **with regard to the air,** i.e., is one rendered impure merely by being there? **Or perhaps they decreed** it impure **with regard to the earth,** i.e., one who touches the ground or overlays it becomes impure.

תָּא שְׁמַע: וּמַזֶּה בַּשְּׁלִישִׁי וּבַשְּׁבִיעִי. וְאִי אָמַרְתְּ מִשּׁוּם אֲוִירָא – הַזָּאָה לָמָּה לִי?

The Gemara suggests: **Come** and **hear** a resolution to this question from the mishna, which lists one who enters the land of the nations and states: **And one sprinkles** on him **on the third and on the seventh** days. **And if you say** that the decree was **with regard to the air, why do I** need this **sprinkling?**[H] He neither touched something ritually impure nor overlaid it.

אֶלָּא לָאו מִשּׁוּם גּוּשְׁתָּא. לָא. לְעוֹלָם אֵימָא לָךְ מִשּׁוּם אֲוִירָא, וְכִי קָתָנֵי – אַשְׁאָרָא.

Rather, is it not with regard to the earth that the land of the nations was decreed impure? The Gemara rejects this proof: **No, actually I** could **say to you** that the decree is **due to the air, and when** the mishna **teaches** that he receives the sprinkling, it is referring **to the other** items listed in the mishna, e.g., the grave cover, the grave walls, and a quarter-*log* of blood.

הָכִי נַמִּי מִסְתַּבְּרָא, מִדְּקָתָנֵי: וְכֵלִים הַנּוֹגְעִים בַּמֵּת; הָנֵי כֵּלִים בְּנֵי הַזָּאָה אִינּוּן? אֶלָּא שְׁמַע מִינָּהּ – אַשְׁאָרָא.

The Gemara comments: **So too, it is reasonable** that this is the case, **from** the fact **that** the mishna also **teaches: And vessels that are touching a corpse.** Now do people who touch **these vessels require sprinkling?**[HN] Does one who touches a vessel that is ritually impure from a corpse require the sprinkling of purification water? This individual is impure only until that evening. **Rather, learn from this** that the *halakha* that he is sprinkled on the third and on the seventh days does not refer to all the cases in the mishna but only **to** some of **the others.**

HALAKHA

With regard to the air, why do I need this sprinkling – מִשּׁוּם אֲוִירָא הַזָּאָה לָמָּה לִי: The Sages initially decreed ritual impurity on the earth of the lands of the nations, which is imparted by contact and carrying. Later they extended the decree to its air, so that anyone who inserts his head and the majority of his body into those lands contracts impurity. However, the air imparts a lesser degree of impurity. It does not necessitate sprinkling on the third and seventh days; rather, one merely has to immerse and wait for sunset. Similarly, it is not necessary to burn *teruma* and offerings due to this impurity. For this reason, the Rambam rules that the *halakha* of the mishna is referring only to the impurity imparted by contact or carrying the earth of the land of the nations (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:6 and *Leḥem Mishne* there; and *Sefer Tahara*, *Hilkhot Tumat Met* 11:1–2).

Do people who touch these vessels require sprinkling, etc. – הָנֵי כֵּלִים בְּנֵי הַזָּאָה אִינּוּן וכו': If a nazirite touched vessels that came in contact with a corpse, he does not require sprinkling on the third and seventh days. This exception applies only to a nazirite, so that these days can count toward his term of naziriteship. Any other individual who becomes ritually impure from these vessels requires sprinkling on the third and seventh days (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:8).

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These vessels require sprinkling – הָנֵי כֵּלִים בְּנֵי הַזָּאָה: Some commentaries cite this as proof that the vessels referred to by the mishna are made of materials other than metal, as metal vessels impart ritual impurity like the corpse itself (Rabbeinu Tam). Others claim that the vessels mentioned in the mishna are of all types, including metal ones (Rabbeinu Ḥayyim HaKohen). A nazirite does not have to shave for them because he shaves only for coming into contact with a corpse itself, not for all items classified as having the impurity of a corpse, as the verse states: "And if any man dies very suddenly beside him" (Numbers 6:9). Some claim that a nazirite does not even need to be sprinkled with water for those sources of impurity (Meiri).

Perek **VII**
Daf **55** Amud **a**

לֵימָא כְּתַנָּאֵי: הַנִּכְנָס לְאֶרֶץ הָעַמִּים בְּשִׁיּדָה תֵּיבָה וּמִגְדָּל, רַבִּי מְטַמֵּא, וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה מְטַהֵר. מַאי לָאו רַבִּי סָבַר מִשּׁוּם אֲוִירָא, וְרַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה סָבַר מִשּׁוּם גּוּשְׁתָּא?

Let us say that this is **parallel to** a dispute between ***tanna'im,*** as it is taught: With regard to **one who enters the land of the nations** not on foot but **in a chest, a box, or a cabinet,**[H] **Rabbi** Yehuda HaNasi **deems** him ritually **impure. And Rabbi Yosei, son of Rabbi Yehuda, deems** him **pure. What, is it not** correct to say that they disagree in this regard: **Rabbi** Yehuda HaNasi, who deems him impure, **holds** that the Sages decreed impurity **with regard to the air, and Rabbi Yosei, son of Rabbi Yehuda, holds** that the Sages decreed impurity **with regard to the earth,** and consequently he is not impure, as the container prevents him from overlying the impurity?

לָא, דִּכּוּלֵי עָלְמָא מִשּׁוּם גּוּשְׁתָּא, מָר סָבַר: אֹהֶל זָרוּק שְׁמֵיהּ אֹהֶל, וּמָר סָבַר: לָא שְׁמֵיהּ אֹהֶל.

The Gemara rejects this suggestion: This is **not** necessarily the correct interpretation of their dispute, as one can say **that everyone** agrees that the decree is **with regard to the earth,** and their dispute concerns only the case of one who enters in a chest, a box, or a cabinet. One **Sage,** Rabbi Yosei, son of Rabbi Yehuda, **holds** that **a moving tent,** an item that serves as a tent as it passes over ritual impurity, **is called a tent,** and therefore a person who enters the land of the nations in a large container is protected from its impurity. **And** one **Sage,** Rabbi Yehuda HaNasi, **holds** that **a moving tent is not called a tent.** Consequently, nothing separates this individual from the impurity, and he becomes impure by overlying the land of the nations.

HALAKHA

In a chest, a box, or a cabinet – בְּשִׁיּדָה תֵּיבָה וּמִגְדָּל: One who enters the land of the nations in a chest, a box, or a cabinet that does not come in contact with the ground is rendered ritually impure, as a moving tent is not considered a tent. The *halakha* is in accordance with the opinion of Rabbi Yehuda HaNasi (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 11:5).

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וְהָתַנְיָא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: תֵּיבָה שֶׁהִיא מְלֵאָה כֵּלִים וְזָרָקָה עַל פְּנֵי הַמֵּת בְּאֹהֶל – טְמֵאָה, וְאִם הָיְתָה מוּנַּחַת – טְהוֹרָה.

The Gemara asks: **But isn't it taught** in a *baraita* that **Rabbi Yosei, son of Rabbi Yehuda, says: A box that is full of utensils that one threw over a corpse in a tent,** in such a manner that it overlay the corpse, **is impure,**[N] and everything inside it is also rendered ritually impure, as it does not provide the protection of a tent. **And if it was placed down** and positioned as a tent over a corpse, **it is pure,** and its contents are protected from the impurity. This shows that according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, a moving tent is not considered a tent, which contradicts the above claim.

אֶלָּא, דְּכוּלֵּי עָלְמָא מִשּׁוּם אֲוִירָא, וּמָר סָבַר: כֵּיוָן דְּלָא שְׁכִיחָא – לָא גָּזְרוּ בֵּיהּ רַבָּנַן, וּמָר סָבַר: אַף עַל גַּב דְּלָא שְׁכִיחָא – גָּזְרוּ בֵּיהּ רַבָּנַן.

In light of this argument, the Gemara concedes that the previous explanation of the dispute is incorrect. **Rather,** one must say **that everyone** agrees that the decree of impurity concerning the land of the nations is **with regard to its air, and** one **Sage,** Rabbi Yosei, son of Rabbi Yehuda, **holds** that **since it is not common** for one to move around in an enclosure, **the Sages did not decree** impurity **with regard to** this case. **And** one **Sage,** Rabbi Yehuda HaNasi, **holds** that **although it is not common the Sages** nevertheless **decreed** impurity **with regard to it.**

וְהָתַנְיָא: הַנִּכְנָס לְאֶרֶץ הָעַמִּים בְּשִׁידָּה תֵּיבָה וּמִגְדָּל – טָהוֹר, בְּקָרוֹן וּבִסְפִינָה וּבְאִיסְקַרְיָא – טָמֵא.

The Gemara adds: **And it is taught** in the *Tosefta* (*Oholot* 18:5) in accordance with this explanation of the opinion of Rabbi Yosei, son of Rabbi Yehuda: **One who enters the land of the nations in a chest, a box, or a cabinet** is **ritually pure.** If he was **in a wagon** [*karon*],[L] **boat, or raft** [*iskareya*],[L] he is **ritually impure.** The difference is that the latter vessels are commonly used to convey people.

וְאִיבָּעֵית אֵימָא: הָכָא שָׁמָּא יוֹצִיא רֹאשׁוֹ וְרוּבּוֹ לְשָׁם פְּלִיגִי.

And if you wish, say an alternative explanation of the dispute between Rabbi Yehuda HaNasi and Rabbi Yosei, son of Rabbi Yehuda. Both agree that the ritual impurity of the land of the nations is with regard to the earth, and a moving tent is considered a tent. Therefore, the person in question should be ritually pure according to both opinions. However, **here they disagree** with regard to a different issue, the concern **lest he remove**[N] **his head and the majority of his body** from the chest, box, or cabinet **into there,** i.e., the land of the nations.

וְהָתַנְיָא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה אוֹמֵר: הַנִּכְנָס לְאֶרֶץ הָעַמִּים בְּשִׁידָּה תֵּיבָה וּמִגְדָּל – טָהוֹר, עַד שֶׁיּוֹצִיא לְשָׁם רֹאשׁוֹ אוֹ רוּבּוֹ.

And it is taught likewise in a *baraita* that **Rabbi Yosei, son of Rabbi Yehuda, says: One who enters the land of the nations in a chest, a box, or a cabinet is pure, unless he** actually **removes his head or the majority of his body into** the land of the nations. By contrast, Rabbi Yehuda HaNasi renders him ritually impure due to concern that one's head might protrude from the container.

NOTES

But isn't it taught…a box that is full of utensils…is impure – וְהָתַנְיָא…תֵּיבָה שֶׁהִיא מְלֵאָה כֵּלִים…טְמֵאָה: The commentaries explain that this ruling of impurity does not refer to the box itself but to its contents. In other words, the box does not serve as a barrier protecting its contents from impurity (see Rashash). Some say that this *baraita* teaches that a moving tent is not classified as a tent according to the opinion of Rabbi Yosei, son of Rabbi Yehuda. Consequently, it does not block impurity, which means that all the vessels above the corpse are themselves considered to be overlying the corpse and are therefore rendered impure. If so, this *baraita* contradicts the earlier explanation that Rabbi Yosei, son of Rabbi Yehuda, maintains that a moving tent is considered a tent, which leads the Gemara to provide an alternative interpretation of the dispute (Commentary on *Nazir*).

Others explain this in the reverse manner, that the *baraita* offers support for the Gemara's previous interpretation. They maintain that a moving tent refers to a particular category of portable objects and that there is a difference between a moving tent that is thrown in the air and one that is placed on an animal or carried by people whose feet are on the ground. The *baraita* in question proves that according to Rabbi Yosei, son of Rabbi Yehuda, a moving tent that is placed in one spot and tied to the ground has the status of a tent. The same applies to a chest, a box, or a cabinet. Since they are carried on something and connected to the ground, they are treated as a tent positioned in one spot. Consequently, they protect their contents from impurity, despite the fact that they can be moved (*Tosafot*). According to this opinion, the phrase: But isn't it taught, should not be read in the form of a question, but as a confirmation: Indeed it was taught, as in the next usage on this *amud*. Likewise, the subsequent term: Rather, which indicates a rejection of the previous interpretation, must be omitted and replaced by the phrase: If you wish you can say, which introduces an alternative explanation.

And if you wish, say here they disagree with regard to the concern lest he remove – וְאִיבָּעֵית אֵימָא הָכָא שָׁמָּא יוֹצִיא: Here too, all the commentaries agree that the Gemara retracts its previous answer. However, they dispute the particulars. According to one opinion, both *tanna'im* agree that the decree of impurity on the land of the nations is with regard to its earth, and a moving tent is considered a tent, which means that if one were to remain in the tent he would be pure. However, Rabbi Yehuda HaNasi and Rabbi Yosei, son of Rabbi Yehuda, disagree with regard to the possibility that one might remove his head and the majority of his body from the container and thereby become impure by serving as a tent over the earth of the land of the nations. The Gemara proceeds to cite a proof from the *baraita* that even Rabbi Yosei, son of Rabbi Yehuda, concedes that one who leans his head and the majority of his body into air that overlays the land of the nations is impure (see *Nusḥat Rivan*).

Other commentaries maintain that the *baraita* is cited to justify the Gemara's distinction between a box on the one hand and a boat or wagon on the other. The question is whether the Sages entertain the likelihood that one might remove his head from the container, in which case he becomes impure due to the air. Rabbi Yosei, son of Rabbi Yehuda, maintains that there is a greater possibility of him doing so on a boat or wagon, whereas it is uncomfortable to jut one's head out of a box or cabinet (*Tosafot*; Rosh).

LANGUAGE

Wagon [*karon*] – קָרוֹן: From the Greek κάρρον, *karron*, meaning a carriage or wagon used for transporting objects or for travel.



Roman stone relief of a carriage

Raft [*iskareya*] – אִיסְקַרְיָא: The *ge'onim* read this as *iskadeya*, from the Greek σχεδιά, *skhedia*, meaning a raft. The source of the present version comes from the Greek ἱστοκεραία, *histokeraia*, which means a mast, a wooden post on which sails are hung.



Replica of an ancient Greek ship with a large mast

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״וּמַתְחִיל וּמוֹנֶה״. אָמַר רַב חִסְדָּא: לֹא שָׁנוּ אֶלָּא בִּנְזִירוּת מוּעֶטֶת, אֲבָל בִּנְזִירוּת מְרוּבָּה – מִיסְּלַק נַמִּי סָלְקִין לֵיהּ.

§ The mishna taught that a nazirite who became ritually impure through sources of impurity that do not cause him to forfeit his naziriteship, including his days of leprosy, **starts counting** again from the day of his purification, as his period of impurity does not count toward his naziriteship. **Rav Ḥisda said: They taught** this *halakha* of a leper **only with regard to a short naziriteship** of thirty days, as he shaves his hair for purification from leprosy, and therefore he must count an additional thirty days to allow his hair to grow sufficiently to shave for his naziriteship. **However, with regard to a lengthy naziriteship,** when thirty days or more remain in his naziriteship after having shaved for his leprosy, those days **also count toward his** term, and he need not recount his days as a leper.

מָתִיב רַב שֵׁרֶבְיָא: מַתְחִיל וּמוֹנֶה מִיָּד, וְאֵין מְבַטֵּל בָּהֶן אֶת הַקּוֹדְמִין. בְּמַאי? אִילֵימָא בִּנְזִירוּת מוּעֶטֶת – קָבָעֵי גִּידּוּל שֵׂיעָר!

Rav Sherevya raises an objection from the mishna: **He starts counting immediately, and he does not negate the earlier** days due **to them. To what** case is the mishna referring? **If we say** it is referring **to a short naziriteship, he requires** a thirty-day period of **hair growth,** and as he shaved for purification of his leprosy, he must negate the earlier days as a practical manner, to enable his hair to regrow.

Perek **VII**
Daf **55** Amud **b**

אֶלָּא לָאו בִּנְזִירוּת מְרוּבָּה, וְקָתָנֵי: מַתְחִיל וּמוֹנֶה מִיָּד! הוּא מוֹתִיב לָהּ, וְהוּא מְפָרֵק לָהּ: בִּנְזִירוּת בַּת חֲמִשִּׁים יוֹם, דְּיָתֵיב עֲשָׂרִין וְאִיתְיְלִידָא בֵּיהּ צָרַעַת. מְגַלַּח צָרַעְתּוֹ וַהֲדַר יָתֵיב תְּלָתִין יוֹמִין דְּנָזִיר, דְּהָא אִית לֵיהּ גִּידּוּל שֵׂיעָר.

Rather, is it not the case that the mishna is referring **to a lengthy naziriteship, and** nevertheless **it teaches: He starts counting immediately,** which indicates that his time as a leper is not included? Rav Sherevya **raised the objection and he resolved it:** The mishna is referring **to a naziriteship of fifty days,**[N] in a case **where he sat** and observed **twenty** days of his vow, **and** at that point **he developed leprosy.** In that case, he **shaves** for **his leprosy, and he again sits** for **thirty days as a nazirite.** The problem of thirty days' hair growth does not arise in this situation, **as** at the end of this period **there is hair growth** of thirty days.

מָתִיב רָמֵי בַּר חָמָא: נָזִיר שֶׁהָיָה טָמֵא בְּסָפֵק וּמוּחְלָט בְּסָפֵק

Rami bar Ḥama raised an objection from a mishna (59b): With regard to **a nazirite who has uncertain impurity** from a corpse **and** whose status as **a confirmed** leper **is uncertain,**

NOTES

נְזִירוּת בַּת חֲמִשִּׁים יוֹם – A naziriteship of fifty days: According to this explanation, the phrase: A short naziriteship, does not refer to the entire length of the vow, which is of no importance with regard to this issue, but to the days remaining for his naziriteship after shaving for his leprosy. If this period is thirty days or less, it is called a short naziriteship, and in practice he will necessarily have to observe more days so that he has thirty days of hair growth. If enough days are left in the naziriteship, he does not have to negate any days for the sake of his hair growth.

Perek **VII**
Daf **56** Amud **a**

אוֹכֵל בְּקָדָשִׁים לְאַחַר שִׁשִּׁים יוֹם,

he eats sacrificial food after sixty days,[N] when the status of uncertain leprosy has passed, and when he has completed all his obligations of naziriteship. He cannot shave for his leprosy right away, as he might be a pure nazirite, and the status of uncertain leprosy does not override naziriteship. Instead, after thirty days he shaves for his uncertain status as a confirmed leper and for his uncertain status as a pure nazirite. Once again, he is not permitted to shave a second time seven days later for the shaving done by a leper as part of his purification process in case he was not a leper but impure. Were that the case, it would mean that the previous shaving was for his impurity, and therefore he would be required observe naziriteship in purity for thirty days. At the conclusion of this period, i.e., the sixtieth day, he shaves and may eat sacrificial food on the following day, as even if he was a full-fledged leper he has now shaved twice.

NOTES

אוֹכֵל בְּקָדָשִׁים לְאַחַר שִׁשִּׁים יוֹם – He eats sacrificial food after sixty days: He cannot partake of sacrificial food beforehand, as he may be a leper who lacks atonement. Therefore, he must bring his offerings of purification before he can eat sacrificial food. It is important to note that only those lacking atonement whose impurity is inherent, e.g., a leper or a *zav*, are included in this category. However, other people who must bring offerings, e.g., nazirites, may partake of sacrificial food.

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וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לַמֵּתִים לְאַחַר מֵאָה וְעֶשְׂרִים יוֹם.

And he drinks wine and may become impure to bury **a corpse after 120 days.** In other words, this individual has not yet completed his naziriteship vow, as he might have been a confirmed leper, in which case both his acts of shaving would have counted for his leprosy. He therefore waits another thirty days and proceeds to shave on day ninety. Even at that stage, he may not yet drink wine or contract ritual impurity from a corpse, as he might have been impure, which would mean that his third shaving was for his impurity. Consequently, he counts another period of thirty days for his naziriteship of purity, at the end of which he may perform the shaving of purity, drink wine, and become impure from a corpse, 120 days from the start of his naziriteship.

וְתָנֵי עֲלָהּ: בַּמֶּה דְּבָרִים אֲמוּרִים – בִּנְזִירוּת מוּעֶטֶת, אֲבָל בִּנְזִירוּת בַּת שָׁנָה – אוֹכֵל בְּקָדָשִׁים לְאַחַר שְׁתֵּי שָׁנִים,

And it is taught in the *Tosefta* (6:1) **with regard to** that mishna: **In what** case **is this statement said? With regard to a short naziriteship** of thirty days. **However, with regard to a naziriteship of a year, he eats sacrificial food after two years.** He cannot shave until a year has passed, in case he is not a leper, and he may shave the second time only after a second year, in case he was ritually impure, and this was his naziriteship observed in purity. After two years, he may eat sacrificial meat, for if he was a full-fledged leper he has shaved twice.

וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לַמֵּתִים לְאַחַר אַרְבַּע שָׁנִים.

However, if the first two shavings were for his leprosy, he has not shaved for his naziriteship at all, and therefore he must observe an additional year, shave, and observe another year of naziriteship, as perhaps his third shaving was for impurity and the other for his naziriteship in purity. **And** consequently, **he may drink wine and become impure to** bury **a corpse after four years.**

וְאִי סָלְקָא דַּעְתָּךְ סָלְקִין לֵיהּ יוֹמֵי – תִּיסְגֵּי לֵיהּ בִּשְׁלֹשׁ שָׁנִים וּשְׁלֹשִׁים יוֹם!

And if it enters your mind that the **days** during which he was ritually impure **count toward his** naziriteship, **it should be enough for him to** observe **three years and thirty days.** Due to uncertainty, he cannot shave for his leprosy until a year has passed, in case he was a pure nazirite, and he must wait another year for his second shaving, as he might have been an impure nazirite. However, at that point, if the days of his counting are considered part of his naziriteship, as claimed by Rav Ḥisda, he should be allowed to wait a mere thirty days for hair growth, shave for his impure naziriteship, and then add a final year for his naziriteship in purity. The fact that he is obligated to wait four years proves that his time as a leper does not count toward his naziriteship.

וְעוֹד מְתִיב רַב אַשִׁי: אֵין לִי אֶלָּא יְמֵי טוּמְאָה שֶׁאֵין עוֹלִין לוֹ מִן הַמִּנְיָן, יְמֵי חִלּוּטוֹ מִנַּיִן? וְדִין הוּא: יְמֵי טוּמְאָה מְגַלֶּחַ וּמֵבִיא וּמֵבִיא קָרְבָּן, וִימֵי חִלּוּטוֹ מְגַלֶּחַ וּמֵבִיא קָרְבָּן, מַה יְּמֵי טוּמְאָתוֹ אֵין עוֹלִין לוֹ מִן הַמִּנְיָן – אַף יְמֵי חִלּוּטוֹ אֵין עוֹלִין לוֹ מִן הַמִּנְיָן.

And Rav Ashi raised a further objection from the following halakhic midrash: **I have** derived **only that the days of impurity**[N] **do not count** as part **of his tally** of his naziriteship. **From where** do I derive that **the days of his** status as **a confirmed** leper also do not count toward his naziriteship? **And is this** not **logical:** After **the days of impurity he shaves and brings an offering, and** after **his days of confirmed** leprosy **he** likewise **shaves and brings an offering; just as his days of impurity do not count** as part **of his tally, so too, the days of confirmed** leprosy should **not count** as part **of his tally.**

לֹא, אִם אָמַרְתָּ בִּימֵי טוּמְאָתוֹ – שֶׁכֵּן מְבַטֵּל בָּהֶן אֶת הַקּוֹדְמִים, תֹּאמַר בִּימֵי חִלּוּטוֹ שֶׁאֵין מְבַטֵּל בָּהֶן אֶת הַקּוֹדְמִין!

The Gemara rejects this argument: **No, if you say** that this is true **with regard to his days of impurity, which negate the previous** days, **shall you** also **say** that this is the case **with regard to his days of confirmed** leprosy, **which do not negate the previous** ones, as stated in the mishna?

אָמַרְתָּ: קַל וָחוֹמֶר הוּא: וּמַה נָּזִיר בַּקֶּבֶר, שֶׁשְּׂעָרוֹ רָאוּי לְתִגַּלַּחַת נְזִירוּת – אֵין עוֹלִין לוֹ מִן הַמִּנְיָן. יְמֵי חִלּוּטוֹ, שֶׁאֵין שְׂעָרוֹ רָאוּי לְתִגַּלַּחַת נְזִירוּת – לֹא כָּל שֶׁכֵּן?!

The Gemara suggests another proof. **You** can **say it is an *a fortiori*** inference: **And if a nazirite** who uttered his vow when he was **in** a ritually impure place, e.g., a place of **a grave, whose hair is fit for the shaving**[N] **of naziriteship,** and yet those days when he was impure **do not count** as part **of his tally,** then with regard to **his days of confirmed** leprosy, **when his hair is not fit for the shaving of naziriteship,** as he must first perform the shaving of leprosy, is it **not all the more so** that they should not count toward his naziriteship?

NOTES

I have derived only that the days of impurity – אֵין לִי אֶלָּא יְמֵי טוּמְאָה: These are his days of impurity from a corpse, as the Torah clearly states that they must be completely negated (see Numbers 6:12).

Whose hair is fit for the shaving – שֶׁשְּׂעָרוֹ רָאוּי לְתִגַּלַּחַת: He does not have to shave this hair at the end of his period as an impure nazirite. Although he must observe thirty days of naziriteship in purity afterward, he shaves the hair that grew in impurity only because he shaves for his naziriteship of purity, as explained above (16b).

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וְאֵין לִי אֶלָּא יְמֵי חִלּוּטוֹ, יְמֵי סְפָרוֹ מִנַּיִן? וְדִין הוּא:

And I have derived **only his days of confirmed** leprosy. **From where** do I derive that **his days of counting** for purification from leprosy are not considered part of his term either? **And is this** not **logical:**

Perek **VII**
Daf **56** Amud **b**

מַה יְמֵי חִלּוּטוֹ טָעוּן תִּגְלַחַת – אַף יְמֵי סְפָרוֹ, וּמַה יְמֵי חִלּוּטוֹ אֵין עוֹלִין לוֹ מִן הַמְנָיָן – אַף יְמֵי סְפָרוֹ.

Just as the days of his confirmed leprosy **require shaving, so too, the days of his counting** require shaving; **and just as the days of his confirmed** leprosy **do not count** as part **of his tally** of naziriteship, **so too, the days of his counting** should not count toward his term of naziriteship?

יָכוֹל אַף יְמֵי הֶסְגֵּרוֹ כֵּן? וְהַדִּין נוֹתֵן: חָלוּט מְטַמֵּא מִשְׁכָּב וּמוֹשָׁב, וְיֵשׁ הֶסְגֵּרוֹ מְטַמֵּא מִשְׁכָּב וּמוֹשָׁב, אִם לָמַדְתָּ לִימֵי חִלּוּטוֹ שֶׁאֵין עוֹלִין לוֹ מִן הַמְנָיָן – אַף יְמֵי הֶסְגֵּרוֹ אֵין עוֹלִין לוֹ מִן הַמְנָיָן.

One **might** have thought that **even his days of quarantine** as a leper should share the **same** *halakha* and not be counted. **And it is logical** that those days should not count for him either, as the two states are comparable: **A confirmed** leper **renders** items **ritually impure through lying or sitting,**[H] **and** a leper in **the days of his quarantine** also **renders** items **impure through lying or sitting.** Consequently, **if you learned with regard to the days of confirmed** leprosy **that they do not count** as part **of his tally, so too, the days of quarantine** should **not count** as part **of his tally** either.

אָמַרְתָּ: לֹא, אִם אָמַרְתָּ בִּימֵי חִלּוּטוֹ – שֶׁכֵּן חִלּוּטוֹ טָעוּן תִּגְלַחַת וּמֵבִיא קָרְבָּן – לְפִיכָךְ אֵין עוֹלִין, תֹּאמַר בִּימֵי הֶסְגֵּרוֹ שֶׁאֵין טָעוּן תִּגְלַחַת וְאֵינוֹ מֵבִיא קָרְבָּן – לְפִיכָךְ יַעֲלוּ לְמִנְיָן.

The Gemara rejects this argument: **You** can **say** in response: **No, if you said** this *halakha* **with regard to the days of confirmed** leprosy, the reason is **that his confirmed** state of leprosy **requires** him to **shave**[H] after he is healed **and** to **bring an offering** before he can commence his naziriteship. **Therefore,** these days **do not count** toward his naziriteship. However, will **you say** the same **with regard to the days of his quarantine, which do not require shaving and** for which **he does not bring an offering? Therefore,** perhaps they should **count toward** his **tally.**

מִכָּאן אָמְרוּ: יְמֵי סְפָרוֹ וִימֵי גְּמָרוֹ – אֵין עוֹלִין לוֹ מִן הַמְנָיָן. אֲבָל יְמֵי הַזָּב וְהַזָּבָה, וְהֶסְגֵּרוֹ שֶׁל מְצוֹרָע – הֲרֵי אֵלּוּ עוֹלִין לוֹ.

From here they stated: The days of a leper's **counting**[H] **and the days of his confirmed** leprosy, when he is a full-fledged leper, **do not count** as part **of his tally** of his term of naziriteship. **However, the days** of the impurity **of the *zav* and the *zava***[N] **and** the days **of a leper's quarantine do count** as part of **his** tally of his term of naziriteship.

קָתָנֵי מִיהַת: לֹא, אִם אָמַרְתָּ בִּימֵי טוּמְאָה שֶׁכֵּן מְבַטֵּל בָּהֶן אֶת הַקּוֹדְמִין, תֹּאמַר בִּימֵי חִלּוּטוֹ. בְּמַאי? אִילֵימָא בִּנְזִירוּת מוּעֶטֶת – הָא בָּעֵינַן גִּידּוּל שֵׂעָר.

With regard to the issue at hand, **in any event** the *baraita* **teaches: No, if you say** that this is true **with regard to his days of impurity, which negate the previous** days, **shall you** also **say** that this is the case **with regard to his days of confirmed** leprosy, which do not negate the previous ones? The Gemara analyzes this argument: **To what** does this statement refer? **If we say** it is referring **to a short naziriteship** of thirty days, this cannot be the case, as **we require hair growth** of thirty days after his purification.

אֶלָּא לָאו – בִּנְזִירוּת מְרוּבָּה, וְקָתָנֵי: שֶׁאֵין עוֹלִין לוֹ מִן הַמְנָיָן, אַלְמָא: לָא סָלְקִין לֵיהּ, שְׁמַע מִינָּהּ.

Rather, is it not the case that it is referring **to a lengthy naziriteship, and** nevertheless the *baraita* **teaches that they do not count** as part **of his tally. Apparently,** his days as a full-fledged leper **do not count toward** his term of naziriteship, which contradicts Rav Ḥisda's ruling. The Gemara concludes: **Learn from this** that Rav Ḥisda's opinion should be rejected.

HALAKHA

A confirmed leper renders items ritually impure through lying or sitting, etc. – חָלוּט מְטַמֵּא מִשְׁכָּב וּמוֹשָׁב וכו': A leper imparts impurity by lying and sitting. This *halakha* applies both to a full-fledged leper and a quarantined leper, as their impurity is similar in all regards (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 10:10–11).

His confirmed state requires him to shave, etc. – חִלּוּטוֹ טָעוּן תִּגְלַחַת וכו': A leper who was purified after his quarantine is required to shave and bring birds for his purification. If he was declared pure by a priest after a period of quarantine he does not have to shave or bring an offering (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 10:10).

The days of a leper's counting, etc. – יְמֵי סְפָרוֹ וכו': If a nazirite became a confirmed leper, none of his days as a full-fledged leper, or the seven days he counts between his two shavings of leprosy, count toward his term of naziriteship. The *halakha* is in accordance with the ruling of the *baraita*, not the opinion of Rav Ḥisda. Nevertheless, the days of his quarantine are considered part of his term of naziriteship. Similarly, the days of impurity of a *zav* and *zava* count toward their naziriteship terms (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:9).

NOTES

The days of the *zav* and the *zava* – יְמֵי הַזָּב וְהַזָּבָה: Although a *zav* and *zava* are obligated to bring an offering upon their purification, they need not shave, and therefore their cases are not comparable to that of a confirmed leper or the days of his counting. One certainly cannot derive the *halakha* of a nazirite from a leper's days of quarantine, as the latter are followed neither by shaving nor by bringing offerings of purity.

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HALAKHA

Any impurity from a corpse, etc. – כָּל טוּמְאָה מִן הַמֵּת וכו׳: Any ritual impurity from a corpse that obligates a nazirite to shave also renders one liable to receive *karet* for entering the Temple. One does not violate the prohibition against entering the Temple in a state of impurity if he came into contact with those sources of impurity from a corpse for which a nazirite does not have to shave. However, if one touches a person or vessels that were rendered impure in a manner for which a nazirite must shave, he is liable if he subsequently enters the Temple (Rambam *Sefer Avoda*, *Hilkhot Biat HaMikdash* 3:13 and see Ra'avad and *Kesef Mishne* there).

PERSONALITIES

Rabbi Yehoshua bar Memel – רַבִּי יְהוֹשֻׁעַ בַּר מֶמֶל: This *tanna*, who is mentioned only in the *Tosefta*, was apparently a disciple of Rabbi Yehoshua. Rabbi Meir praised him as a master of *halakhot*.

BACKGROUND

Ardaskeya – עַרְדַּסְקְיָא: Ardaskeya, or Ardaskos, is the name of a village located not far from the town of Tavin, also known as Tivon, in northern Israel near Haifa.

LANGUAGE

Petter Rosh – פַּתָּר רֹאשׁ: Apparently this is from a Greek name that was Hebraicized. Other versions of the Gemara read: Petora. The Greek name in question is possibly πατρώός, Patroos, meaning of the father, or πάτρως, Patros, meaning one's father's brother.

מתני׳ אָמַר רַבִּי אֱלִיעֶזֶר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ: כָּל טוּמְאָה מִן הַמֵּת שֶׁנָּזִיר מְגַלֵּחַ עָלֶיהָ – חַיָּבִין עָלֶיהָ עַל בִּיאַת מִקְדָּשׁ, וְכָל טוּמְאָה מִן הַמֵּת שֶׁאֵין הַנָּזִיר מְגַלֵּחַ עָלֶיהָ – אֵין חַיָּבִין עָלֶיהָ עַל בִּיאַת מִקְדָּשׁ.

MISHNA

Rabbi Eliezer said in the name of Rabbi Yehoshua: With regard to **any ritual impurity from a corpse for which a nazirite must shave, one is liable due to** the prohibition of **entering the Temple** after contracting that impurity. If someone who became impure from one of those sources of impurity enters the Temple, he violates the prohibition against an impure individual entering the sacred space. **And** with regard to **any impurity from a corpse**[HN] **for which a nazirite does not shave, one is** likewise **not liable due to** the prohibition of **entering the Temple** after contracting it.

אָמַר רַבִּי מֵאִיר: לֹא תְהֵא זוֹ קַלָּה מִן הַשֶּׁרֶץ.

Rabbi Meir said: This impurity from a corpse that does not obligate a nazirite to shave **should not be more lenient than** the impurity of **a creeping animal.** The Torah clearly states that one rendered impure from a creeping animal is prohibited from entering the Temple (see Leviticus 5:2–3).

גמ׳ וְרַבִּי אֱלִיעֶזֶר מִשּׁוּם רַבִּי יְהוֹשֻׁעַ גְּמַר לָהּ? וְהָא מִשּׁוּם רַבִּי יְהוֹשֻׁעַ בַּר מֶמֶל גְּמַר לָהּ. דְּתַנְיָא, אָמַר רַבִּי אֱלִיעֶזֶר: כְּשֶׁהָלַכְתִּי לְעַרְדַּסְקְיָא מָצָאתִי אֶת רַבִּי יְהוֹשֻׁעַ בֶּן פַּתָּר רֹאשׁ שֶׁהָיָה יוֹשֵׁב וְדָן לִפְנֵי רַבִּי מֵאִיר בַּהֲלָכָה: כָּל טוּמְאָה מִן הַמֵּת שֶׁהַנָּזִיר מְגַלֵּחַ עָלֶיהָ – חַיָּבִין עָלֶיהָ מִשּׁוּם בִּיאַת מִקְדָּשׁ, וְכָל טוּמְאָה מִן הַמֵּת שֶׁאֵין הַנָּזִיר מְגַלֵּחַ עָלֶיהָ – אֵין חַיָּבִין עָלֶיהָ מִשּׁוּם בִּיאַת מִקְדָּשׁ. אָמַר לוֹ: אַל תְּהֵא זוֹ קַלָּה מִשֶּׁרֶץ!

GEMARA

The Gemara asks: **And** did **Rabbi Eliezer learn** this *halakha* **in the name of Rabbi Yehoshua** ben Ḥananya? **But didn't he learn it in the name of Rabbi Yehoshua bar Memel?**[P] **As it is taught** in a *baraita* that **Rabbi Eliezer said: When I went to** a place called **Ardaskeya,**[B] **I found Rabbi Yehoshua ben Petter Rosh**[L] **sitting and discussing** the following ***halakha* before Rabbi Meir:** With regard to **any ritual impurity from a corpse for which a nazirite must shave, one is liable due to** the prohibition of **entering the Temple** after contracting it. **And** with regard to **any impurity from a corpse for which a nazirite does not shave, one is not liable due to** the prohibition of **entering the Temple** after contracting it. Rabbi Meir **said to him: This** impurity of a corpse that does not obligate a nazirite to shave **should not be more lenient than** the impurity of **a creeping animal.**

אָמַרְתִּי לוֹ: כְּלוּם אַתָּה בָּקִי בְּרַבִּי יְהוֹשֻׁעַ בַּר מֶמֶל? אָמַר לִי: הֵן. כָּךְ אָמַר לִי רַבִּי יְהוֹשֻׁעַ בַּר מֶמֶל מִשּׁוּם רַבִּי יְהוֹשֻׁעַ: כָּל טוּמְאָה מִן הַמֵּת שֶׁהַנָּזִיר מְגַלֵּחַ עָלֶיהָ – חַיָּב עָלֶיהָ מִשּׁוּם בִּיאַת מִקְדָּשׁ, וְכָל טוּמְאָה מִן הַמֵּת שֶׁאֵין הַנָּזִיר מְגַלֵּחַ עָלֶיהָ – אֵין חַיָּבִין עָלֶיהָ מִשּׁוּם בִּיאַת מִקְדָּשׁ. הֲוֵי, מִשּׁוּם רַבִּי יְהוֹשֻׁעַ בַּר מֶמֶל גְּמִיר לָהּ!

Rabbi Eliezer continued: **I said to** Rabbi Meir: **Are you at all familiar with Rabbi Yehoshua bar Memel? He said to me: Yes.** I continued: **Rabbi Yehoshua bar Memel said this to me in the name of Rabbi Yehoshua** ben Ḥananya: With regard to **any ritual impurity from a corpse for which a nazirite must shave, one is liable due to** the prohibition of **entering the Temple** after contracting it. **And** with regard to **any impurity from a corpse for which a nazirite does not shave, one is not liable due to** the prohibition of **entering the Temple** after contracting it. This concludes the *baraita*. The Gemara comments: This **is** proof **that** Rabbi Eliezer **learned** this *halakha* **in the name of Rabbi Yehoshua bar Memel,** not directly from Rabbi Yehoshua ben Ḥananya.

NOTES

And any impurity from a corpse, etc. – וְכָל טוּמְאָה מִן הַמֵּת וכו׳: The reason for this *halakha* is unclear. Many commentaries maintain that one should not seek an explanation for it, as it is a *halakha* transmitted to Moses from Sinai. In other words, there is no fundamental connection between the sources of ritual impurity for which a nazirite must shave and those which render one liable due to the prohibition of entering the Temple. The mishna gives the rule comparing the two merely as a kind of mnemonic. It is also possible that this comparison is based on the fact that an offering is brought for entering the Temple in a state of impurity and a nazirite must likewise sacrifice offerings. See the Jerusalem Talmud for a lengthy discussion on this issue.

One extreme opinion is that those items that do not obligate a nazirite to shave are all sources of impurity by rabbinic law (Rambam). However, the Meiri contends that this mishna indicates otherwise, as how could Rabbi Meir suggest that sources of impurity by rabbinic law should be more severe than that of a creeping animal, which is by Torah law? However, as Rabbi Meir's opinion is not accepted by the Rambam as *halakha*, it is possible that he rejects the source of his reasoning as well.

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אָמְרוּ: שְׁמַע מִינָּהּ, כָּל שְׁמַעְתְּתָא דְּמִתְאַמְרָה בְּבֵי תְּלָתָא, קַדְמָאֵי וּבַתְרָאֵי – אָמְרִינַן, מְצִיעָאֵי – לָא אָמְרִינַן.

They said: Learn from this case the following principle: With regard to **any** statement of ***halakha* that was stated** as a tradition **of three** scholars, **we say the first and the last** names in the chain but **we do not say the middle** one. Therefore, the mishna mentions the name of Rabbi Eliezer, the last link in the tradition, and Rabbi Yehoshua ben Ḥananya, the first scholar, but it omits that of Rabbi Yehoshua bar Memel, the middle scholar in the chain.

אֲמַר רַב נַחְמָן בַּר יִצְחָק: אַף אֲנַן נַמִּי תָּנֵינָא, אָמַר נַחוּם הַלַּבְלָר: כָּךְ מְקוּבַּלְנִי מֵרַבִּי מֵיָאשָׁא, שֶׁקִּיבֵּל מֵאַבָּא, שֶׁקִּבֵּל מִן הַזּוּגוֹת, שֶׁקִּבְּלוּ מִן הַנְּבִיאִים: הֲלָכָה לְמֹשֶׁה מִסִּינַי בַּזּוֹרַע שֶׁבֶת וְחַרְדָּל בִּשְׁנַיִם וּשְׁלֹשָׁה מְקוֹמוֹת, שְׁנוֹתֵן פֵּאָה מִכָּל אֶחָד וְאֶחָד.

Rav Naḥman bar Yitzḥak said: We, too, learn in a mishna (*Pe'a* 2:6): **Naḥum the Scribe**[P] [***lavlar***][L] **said: This is** the tradition that **I received from Rabbi Meyasha,**[P] **who received** it **from father, who received** it **from the pairs** of Sages who served during the period of the Second Temple, **who received** it **from the Prophets:** It is **a *halakha*** transmitted **to Moses from Sinai with regard to one who sows** the plants of **dill**[B] **and mustard**[N] **in two or three** separate **locations** in a single field, **that he leaves a corner**[B] to the poor **for each and every one** of these plots on its own, rather than one corner for all of them.

וְאִילּוּ יְהוֹשֻׁעַ וְכָלֵב לָא קָחָשִׁיב, שְׁמַע מִינָּהּ.

The Gemara explains the proof from this source: **And yet** Naḥum the Scribe **does not mention** the names of **Joshua and Caleb,** despite the fact that they were the Elders who passed down this *halakha* from Moses to the Prophets. **Learn from this** that the middle links in a tradition are not necessarily listed.

מתני׳ אָמַר רַבִּי עֲקִיבָא: דַּנְתִּי לִפְנֵי רַבִּי אֱלִיעֶזֶר: מָה אִם עֶצֶם כִּשְׁעוֹרָה שֶׁאֵינוֹ מְטַמֵּא אָדָם בְּאֹהֶל – הַנָּזִיר מְגַלֵּחַ עַל מַגָּעוֹ וְעַל מַשָּׂאוֹ, רְבִיעִית דָּם שֶׁהוּא מְטַמֵּא אָדָם בְּאֹהֶל – אֵינוֹ דִּין שֶׁיְּהֵא הַנָּזִיר מְגַלֵּחַ עַל מַגָּעָהּ וְעַל מַשָּׂאָהּ?

MISHNA The mishna continues to address the sources of ritual impurity for which a nazirite must shave. **Rabbi Akiva said: I discussed** this matter **before Rabbi Eliezer** and suggested the following *a fortiori* inference: **If,** with regard to **a bone that is a barley-grain-bulk, which does not render a person impure in a tent, a nazirite must** nevertheless **shave for touching it or carrying it,** then in the case of **a quarter-*log* of blood, which is** more stringent in that it **renders a person impure in a tent, is it not logical that a nazirite should shave for touching it or carrying it?**

אָמַר לִי: מַה זֶּה עֲקִיבָא?! אֵין דָּנִין כָּאן מִקַּל וָחוֹמֶר. וּכְשֶׁבָּאתִי וְהִרְצֵיתִי דְּבָרִים לִפְנֵי רַבִּי יְהוֹשֻׁעַ, אָמַר לִי: יָפֶה אָמַרְתָּ, אֶלָּא כֵּן אָמְרוּ: הֲלָכָה.

Rabbi Eliezer **said to me: What is this, Akiva? One cannot argue by means of an *a fortiori* inference here,** in this particular case. However, Rabbi Eliezer did not provide a reason for this response. Rabbi Akiva continued: **And when I came and presented** these **matters before Rabbi Yehoshua, he said to me: You spoke well,** i.e., your logic is flawless, **but they indeed said** that this is a ***halakha*** transmitted to Moses from Sinai, which cannot be refuted by means of an *a fortiori* inference.

PERSONALITIES

Naḥum the Scribe – נַחוּם הַלַּבְלָר: Naḥum the Scribe was a *tanna* from the Second Temple period. He was a contemporary of Rabban Gamliel the Elder, grandson of Hillel. Naḥum the Scribe is mentioned only once in the Mishna.

Rabbi Meyasha – רַבִּי מֵיָאשָׁא: Rabbi Meyasha was one of the first *tanna'im*. He is listed among the disciples of Hillel and Shammai (*Seder HaDorot*).

LANGUAGE

Scribe [*lavlar*] – לַבְלָר: From the Latin librarius, meaning scribe.

NOTES

With regard to one who sows dill and mustard – בַּזּוֹרֵעַ שֶׁבֶת וְחַרְדָּל: Most early commentaries reject this reading of the text in favor of the version that appears in a different mishna in *Pe'a* (3:2). According to that version, the tradition is referring to one who sows two types of wheat in a field. Their status with regard to *pe'a* depends on whether one brought the grain into one granary or two.

BACKGROUND

Dill – שֶׁבֶת: Dill, *Anethum graveolens*, is a perennial grassy herb from the Apiaceae family. This plant grows to a height of 50–80 cm and has small yellow flowers. Mesh-shaped in appearance, its leaves are trim and form thread-like tongues. Dill has a distinctive, pleasant fragrance. Its seeds and oil are used for medicinal purposes. In the mishnaic period, dill was grown in gardens, and it is still cultivated nowadays in many places. Dill also grows wild in certain parts of the world.



Field of cultivated dill

Corner – פֵּאָה: The Torah states that a farmer is prohibited from harvesting the produce in the corner of his field. Instead, he must allow the poor to collect this produce for themselves. The Sages decreed that the area of the corner must be at least one-sixtieth of the field. This mitzva appears in the Torah (Leviticus 19:9, 23:22), and tractate *Pe'a* is devoted to discussing its details. By Torah law, fields, vineyards, and olive groves are included in the mitzva.

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NOTES

A quarter-*log* of blood is the *halakha* – רְבִיעִית דָּם הַלָּכָה: That is, it is a *halakha* that this amount of blood serves as a source of impurity in a tent. Some commentaries maintain that the traditional *halakha* is that a nazirite does not shave for a quarter-*log* of blood, and it was this *halakha* that Rabbi Akiva attempted to refute by means of an *a fortiori* inference (*Keren Ora*).

HALAKHA

A bone that is a barley-grain-bulk is a *halakha* – עֶצֶם כִּשְׁעוֹרָה הֲלָכָה: The ritual impurity imparted by a single bone through contact or carrying is a *halakha* learned by tradition. This impurity applies by Torah law; it is not a decree of the Sages (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 2:10, and see Ra'avad on 3:3).

גמ׳ אִיבַּעְיָא לְהוּ: עֶצֶם כִּשְׁעוֹרָה – הֲלָכָה, וּרְבִיעִית דָּם – קַל וָחוֹמֶר, וְאֵין דָּנִין קַל וָחוֹמֶר מֵהֲלָכָה.

GEMARA **A dilemma was raised before** the Sages with regard to the *halakha* transmitted to Moses from Sinai mentioned in the mishna: Is the *halakha* that a nazirite must shave for **a bone that is a barley-grain-bulk** a ***halakha*** transmitted to Moses from Sinai, **and** it was the status of **a quarter-*log* of blood** that Rabbi Akiva sought to derive as **an *a fortiori*** inference, **and** with regard to this claim they said: **One does not derive an *a fortiori*** inference **from a *halakha*** transmitted to Moses from Sinai?

אוֹ דִלְמָא: רְבִיעִית דָּם – הֲלָכָה, וְעֶצֶם כִּשְׁעוֹרָה – קַל וָחוֹמֶר, וְאֵין דָּנִין קַל וָחוֹמֶר מֵהֲלָכָה? תָּא שְׁמַע, עֶצֶם כִּשְׁעוֹרָה הֲלָכָה, וּרְבִיעִית דָּם קַל וָחוֹמֶר, וְאֵין דָּנִין קַל וָחוֹמֶר מֵהֲלָכָה.

Or perhaps the ruling that **a quarter-*log* of blood** imparts ritual impurity in a tent is the ***halakha***[N] transmitted to Moses from Sinai, **and** Rabbi Akiva sought to use the case of **a bone that is a barley-grain-bulk** as the source of **an *a fortiori*** inference that a nazirite must shave for a quarter-*log* as well, to which the Sages replied that **one does not derive an *a fortiori*** inference **from a *halakha*** transmitted to Moses from Sinai. The Gemara answers: **Come** and **hear** the unequivocal statement of a *baraita*: **A bone that is a barley-grain-bulk** is a ***halakha*,**[H] **and a quarter-*log* of blood** is **an *a fortiori*** inference, **and one does not derive an *a fortiori*** inference **from a *halakha*.**

הדרן עלך כהן גדול

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Summary of **Perek VII**

Concerning the *halakhot* of ritual impurity with regard to a nazirite, there is a distinction between situations for which the nazirite's entire term of naziriteship is nullified due to contact with a corpse, and cases where his impurity requires sprinkling of the purification waters and immersion but does not negate the days of naziriteship he has already observed. If one's term of naziriteship is negated due to impurity, then following his purification the individual must bring the offerings of an impure nazirite, after which he starts counting his term of naziriteship afresh. Some Sages suggest that those impurities that do not negate the term of a nazirite are those imposed by rabbinic law or those that are due to uncertainty. Consequently, a nazirite with this type of impurity is not punished for entering the Temple or for eating sacrificial meat. Even those who dispute this opinion concede that the details of these *halakhot* were transmitted to Moses from Sinai, although there is textual support for them in the Torah. These details include the amounts of body material that impart impurity and the ways in which impurity is imparted, i.e., through contact, carrying, and in a tent.

Since the prohibition of a nazirite contracting impurity is limited to that of a corpse, a nazirite's term is not nullified or otherwise affected if he comes into contact with other forms of impurity. The lone exception to this principle is the impurity of a leper, which shares some of the characteristics of that of a corpse. Impurity from a leper does not negate a nazirite's term of naziriteship. However, if a nazirite becomes a confirmed leper, the days during which he is affected are not counted toward the tally of days required to fulfill his term of naziriteship.

Just as a priest, and even a High Priest, who are both prohibited from coming into contact with a corpse, must become ritually impure to tend to a *met mitzva*, the same applies to a nazirite. The Gemara concludes that if only a nazirite and a priest are available to perform the task, the nazirite must bury the corpse, because his sanctity is temporary, whereas that of the priest is permanent. This is the *halakha*, despite the fact that a nazirite must subsequently bring an offering for this impurity and resume the tally of his term of naziriteship from the beginning.

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Introduction to **Perek VIII**

All the days of his vow of naziriteship no razor shall come upon his head; until the days are fulfilled in which he consecrated himself to the Lord, he shall be sacred, he shall let the locks of the hair of his head grow long.

(Numbers 6:5)

And if any man dies very suddenly beside him, and he renders impure the head of his naziriteship, then he shall shave his head on the day of his purification, on the seventh day he shall shave it.

(Numbers 6:9)

And this is the law of the nazirite, when the days of his consecration are fulfilled: He shall bring it to the door of the Tent of Meeting; and he shall present his offering to the Lord… And the nazirite shall shave the head of his naziriteship at the entrance to the Tent of Meeting, and he shall take the hair of the head of his naziriteship and put it on the fire that is under the sacrifice of the peace-offering.

(Numbers 6:13–14, 18)

And he shall sprinkle upon him that is to be cleansed from the leprosy seven times, and shall pronounce him clean, and shall let go the living bird into the open field. And he that is to be cleansed shall wash his clothes, and shave off all his hair, and bathe himself in water, and he shall be clean; and after that he may come into the camp, but shall dwell outside his tent seven days. And it shall be on the seventh day, that he shall shave all his hair off his head and his beard and his eyebrows, all his hair he shall shave off; and he shall wash his clothes, and he shall bathe his flesh in water, and he shall be clean.

(Leviticus 14:7–9)

This chapter essentially deals with a single problem: How should a nazirite behave if he might have been rendered impure? Due to this uncertainty, he must accept some of the stringencies of both an impure nazirite and a pure nazirite.

This situation is doubly complex. On the one hand, the impurity nullifies the initial naziriteship, and the nazirite must shave before observing his term of naziriteship anew. On the other hand, if he did not become impure he ought to continue his term without interruption. A second difficulty concerns the nazirite's obligation to bring offerings. Not only do an impure nazirite and a pure nazirite at the completion of their terms bring different sets of offerings, but the possibility that a nazirite may not have any obligation to bring these offerings raises a whole series of problems. These include the order in which the animals are brought, the manner in which they are sacrificed, and the consumption of offerings brought in uncertainty.

This central problem is expressed in two basic cases. The first concerns an uncertainty in which one of two nazirites became impure from a corpse and it is unclear which of them it was. The other case is that of a nazirite who might have been rendered impure from a corpse and who also might be a leper. This second case is especially complicated, as the purification of a leper includes the obligation to shave twice. In addition to the fact that the requirement of a nazirite and a leper to shave do not apply at the same time, there is a conflict between the leper's requirement to shave and the nazirite's prohibition against doing so. An additional question is whether one act of shaving can fulfill the obligation of both conditions. The analyses of these problems comprise the central material of this chapter.

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מתני׳ שְׁנֵי נְזִירִים שֶׁאָמַר לָהֶן אֶחָד ״רָאִיתִי אֶחָד מִכֶּם שֶׁנִּטְמָא, וְאֵינִי יוֹדֵעַ אֵיזֶה מִכֶּם״ – מְגַלְּחִין, וּמְבִיאִין קָרְבַּן טוּמְאָה וְקָרְבַּן טָהֳרָה, וְאוֹמֵר: ״אִם אֲנִי הוּא טָמֵא – קָרְבַּן טוּמְאָה שֶׁלִּי, וְקָרְבַּן טָהֳרָה שֶׁלְּךָ. וְאִם אֲנִי הוּא הַטָּהוֹר – קָרְבַּן טָהֳרָה שֶׁלִּי, וְקָרְבַּן טוּמְאָה שֶׁלְּךָ״.

MISHNA With regard to **two nazirites,**[H] **where one** other person **said to them: I saw one of you become impure, but I do not know which** one **of you** it was, they must each complete their naziriteship terms, **shave** their hair, **and** both together **bring an offering of ritual impurity and an offering of purity,** due to the uncertainty. **And** one of them **says** to the other: **If I am** the **impure** one, **the offering of impurity is mine and the offering of purity is yours; and if I am** the **pure** one, **the offering of purity is mine and the offering of impurity is yours.**

וְסוֹפְרִין שְׁלֹשִׁים יוֹם, וּמְבִיאִין קָרְבַּן טָהֳרָה, וְאוֹמֵר: ״אִם אֲנִי הוּא הַטָּמֵא – קָרְבַּן טוּמְאָה שֶׁלִּי, וְקָרְבַּן טָהֳרָה שֶׁלְּךָ, וְזֶה קָרְבַּן טָהֳרָתִי. וְאִם אֲנִי הוּא הַטָּהוֹר – קָרְבַּן טָהֳרָה שֶׁלִּי, וְקָרְבַּן טוּמְאָה שֶׁלְּךָ, וְזֶה קָרְבַּן טָהֳרָתְךָ״.

And because of the uncertainty **they** each **count** a further **thirty days** of naziriteship **and** both together **bring an offering of purity. And** one of them **says: If I am the** previously **impure one,** that **offering of impurity** sacrificed earlier was **mine, and the offering of purity** was **yours; and this** offering sacrificed now **is my offering of purity. And if I am the** previously **pure one, the offering of purity** brought earlier was **mine, and the offering of impurity** was **yours; and this** current offering **is your offering of purity.**

גמ׳ קָתָנֵי: שְׁנֵי נְזִירִים שֶׁאָמַר לָהֶם ״רָאִיתִי אֶחָד מִכֶּם שֶׁנִּטְמָא, וְאֵינִי יוֹדֵעַ אֵיזֶה מִכֶּם״. וְאַמַּאי? כָּל סְפֵק טוּמְאָה בִּרְשׁוּת הַיָּחִיד מֵהֵיכָא יָלְפִינַן לָהּ – מִסּוֹטָה.

GEMARA The mishna **teaches** with regard to **two nazirites,** that **if one** other person **said to them: I saw one of you become impure, but I do not know which one of you** it was, they must bring an offering of ritual impurity and an offering of purity. The Gemara expresses surprise at this case: **But why** should they be defined as having **uncertain impurity?** After all, the general principle that **any uncertain impurity in a private domain**[H] is considered impure, **from where do we derive this? From** the case of a ***sota.***

מַה סּוֹטָה – בּוֹעֵל וְנִבְעֶלֶת, אַף כָּל סְפֵק טוּמְאָה בִּרְשׁוּת הַיָּחִיד – כְּגוֹן דְּאִיכָּא בֵּי תְּרֵי. אֲבָל הָכָא שְׁנֵי נְזִירִים, וְהַאי דְּקָאֵי גַּבֵּיהוֹן – הָא תְּלָתָא, הֲוָה לֵיהּ סְפֵק טוּמְאָה בִּרְשׁוּת הָרַבִּים, וְכָל סְפֵק טוּמְאָה בִּרְשׁוּת הָרַבִּים סְפֵיקוֹ טָהוֹר!

Yet this situation is not similar to that of a *sota,* as **just as** the case of a ***sota*** involves only **an adulterer and an adulteress, so too any uncertain impurity in a private domain** is considered impure only in a case **where there are** no more than **two** people present. **However,** in the mishna **here** there are **two nazirites and this** other individual **who is standing alongside them,**[HN] who witnessed one of them become impure, which makes a total of **three.** Consequently, **this is an uncertain impurity in the public domain,** as three people are sufficient for the place to be considered a public domain with regard to this *halakha,* **and** the *halakha* with regard to **any uncertain impurity in the public domain** is that **its uncertainty** is considered **pure.**

אָמַר רַבָּה בַּר רַב הוּנָא: בְּאוֹמֵר ״רָאִיתִי טוּמְאָה שֶׁנִּזְרְקָה בֵּינֵיכֶם״. אָמַר רַב אַשִׁי: דַּיְקָא נַמִּי,

Rabba bar Rav Huna said that the mishna is referring **to one who says:** From a distance **I saw an impure** item **thrown between you.** Since he was not with them when one of the nazirites became impure, there were only two people present and therefore this is a case of uncertain impurity in a private domain. **Rav Ashi said:** The language of the mishna **is also precise,**

HALAKHA

Two nazirites, etc. – שְׁנֵי נְזִירִים וכו׳: How are two nazirites meant to proceed if one of them became impure but they do not know which one contracted the impurity? They complete their naziriteship terms and together bring offerings of purity and impurity. At this point, one of them stipulates: If I am the impure one, the offering of impurity is mine and the offering of purity is yours; and if you are the impure one, the offering of impurity is yours and the offering of purity is mine. They subsequently count another period of naziriteship, at the end of which they together bring an offering of purity. Each of them then says: If I was the impure one, this is my offering of purity, and if you were the impure one, this is your offering of purity (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:14).

Uncertain impurity in a private domain, etc. – סְפֵק טוּמְאָה בִּרְשׁוּת הַיָּחִיד וכו׳: Uncertain impurity refers to a case where one is unsure whether or not he was rendered impure. Any uncertain impurity that occurs in a private domain is considered impure. If it occurred in the public domain, it is considered pure (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:16 and *Sefer Tahara, Hilkhot Tumat Met* 2:14 and *Hilkhot She'ar Avot HaTumot* 16:1, 18:1, 20:10).

And this other individual who is standing alongside them – וְהַאי דְּקָאֵי גַּבֵּיהוֹן: If two nazirites standing in a courtyard were informed by another person who is with them that one of them has become impure, but he does not know which one of them contracted the impurity, this is considered an uncertain impurity in the public domain, as there are three people present. Consequently, they are pure. The Ra'avad claims that the fact that they are in one courtyard is not enough to render it a public domain. Rather, the uncertainty must apply to all three individuals (Rambam *Sefer Hafla'a, Hilkhot Nezirut* 9:16).

NOTES

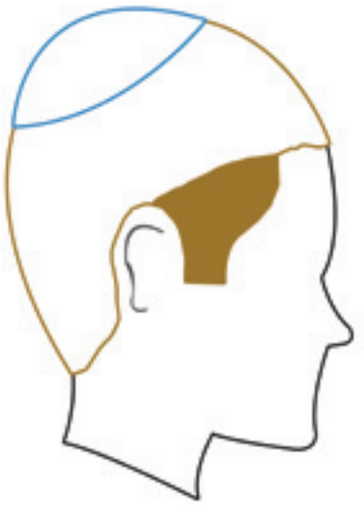
And this other individual who is standing alongside them – וְהַאי דְּקָאֵי גַּבֵּיהוֹן: The definition of a public domain with regard to ritual impurity differs from that of other areas of *halakha,* e.g., Shabbat or acquisitions. As far as impurity is concerned, the presence of three people is enough for a place to be considered a public domain, its status with regard to other *halakhot* notwithstanding.

The early commentaries dispute the details of this *halakha.* Some rule that if the three are in the same place, i.e., within four cubits of each other, it is a public domain (Rambam), while others contend that the uncertainty must be applicable to all three for it to be considered a public domain. If the uncertain impurity is relevant to only two of the three, it is considered a private domain (Ra'avad; see also Meiri).

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BACKGROUND

Rounding the head – הַקָּפָה:



Area included in the prohibition of rounding

דְּקָתָנֵי ״וְאֵינִי יוֹדֵעַ אֵיזֶה מִכֶּם״. שְׁמַע מִינָּהּ.

as it teaches: But I do not know which one **of you.** This indicates that the third individual was too far away to detect which of them became impure. The Gemara says: **Conclude from** the inference from the mishna that it is so.

״מְגַלְּחִין וּמְבִיאִין״. וְאַמַּאי? דִּילְמָא לָאו טְמֵאִין אִינּוּן, וְקָעָבֵיד הַקָּפָה! אָמַר שְׁמוּאֵל: בְּאִשָּׁה וְקָטָן.

§ The mishna taught that the two nazirites **shave** and cut their hair **and bring** an offering of impurity and an offering of purity. The Gemara asks: **But why** are they permitted to shave? **Perhaps** both of **them are not impure, and** therefore one of them **violates** the prohibition against **rounding** the head,[BN] i.e., shaving the hair on the sides of the head (see Leviticus 19:27), when he shaves his hair unnecessarily. Since one of them does not need to shave, he thereby transgresses a mitzva by Torah law. **Shmuel said:** The mishna is referring **to** a case where each nazirite was **a woman,** who is not prohibited from rounding the hair of her head, **or a minor boy,**[H] who is not obligated in the observance of mitzvot.

וְלוֹקְמָא בְּגָדוֹל, וְהַקָּפַת כָּל הָרֹאשׁ לָא שְׁמָהּ הַקָּפָה! מִדְּלָא מוֹקִים לָהּ הָכִי – שְׁמַע מִינָּהּ קָסָבַר שְׁמוּאֵל: הַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה.

The Gemara analyzes Shmuel's answer: **And let** Shmuel **establish** the mishna as referring **to a male who reached majority, and** the reason it is permitted is because **rounding the entire head,** not merely its corners, is **not called rounding** as prohibited by the Torah. **From** the fact that **he does not establish** the mishna in **this** manner, **conclude from it** that **Shmuel maintains** that **rounding the entire head**[H] is **called rounding.**

מָר זוּטְרָא מַתְנֵי לָהּ לְהָא שְׁמַעְתָּא דִּשְׁמוּאֵל אַסֵּיפָא: נָזִיר שֶׁהָיָה טָמֵא בְּסֶפֶק וּמוּחְלָט בְּסֶפֶק – אוֹכֵל בְּקָדָשִׁים לְאַחַר שִׁשִּׁים יוֹם, וּמְגַלֵּחַ אַרְבַּע תִּגְלָחוֹת. וְהָא קָעָבֵיד הַקָּפָה! אָמַר שְׁמוּאֵל: בְּאִשָּׁה וְקָטָן.

Mar Zutra taught this *halakha* of Shmuel with regard **to the latter clause** of the following mishna (59b): **A nazirite who has uncertain impurity and** whose status as **a confirmed leper is uncertain may eat sacrificial food after sixty days and shaves four times.** One shaving is for his uncertain status as an impure nazirite, one is at the end of his term of naziriteship, and two are due to his status as a leper. A similar problem arose: **But** as he is not definitely obligated to shave, he **violates the** prohibition against **rounding** the head. **Shmuel said:** The mishna is referring **to a woman or a minor boy,**[H] who are not prohibited from rounding their heads.

NOTES

And one of them violates the prohibition against rounding the head – וְקָעָבֵיד הַקָּפָה: The commentaries ask: Isn't it correct to say that either way, the first time he shaves constitutes a mitzva, as the one who is pure performs the shaving of purity, while the impure nazirite shaves for his impurity (Rabbeinu Peretz)? If so, it would not be considered an unnecessary shaving. Rabbeinu Peretz suggests that the witness was watching from a distance, as explained by the Gemara, and therefore it is possible that neither of them is impure. In that case both would violate the prohibition against rounding the head. Others explain simply that as each of them shaves his head twice, the second shaving of the pure nazirite is unnecessary, and therefore it constitutes a violation of the prohibition against rounding the head (Rabbeinu Azriel, cited in *Shita Mekubbetzet*; Meiri; see *Birkat Rosh*).

HALAKHA

The mishna is referring to a woman or a minor boy – בְּאִשָּׁה וְקָטָן: If one of two nazirites became impure but they do not know which one, they do not perform the shaving of impurity due to the uncertainty, as they might transgress the prohibition against rounding the head. If the nazirites were women or minor boys they do shave, in accordance with the opinion of Shmuel (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:15).

Rounding the entire head – הַקָּפַת כָּל הָרֹאשׁ: Any man who shaves the corners of his head or his entire head is liable to receive lashes (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 181:2).

Shmuel said, to a woman or a minor boy – אָמַר שְׁמוּאֵל, בְּאִשָּׁה וְקָטָן: A nazirite who has uncertain impurity and whose status as a confirmed leper is uncertain must shave four times to account for all possibilities. This *halakha* applies only to minors and women, as men are not permitted to shave in a case of uncertainty, lest they transgress the prohibition against rounding the corners of the head, in accordance with the opinion of Shmuel (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:9).

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אָמַר רַב הוּנָא: הַמַּקִּיף אֶת הַקָּטָן חַיָּיב. אֲמַר לֵיהּ רַב אַדָּא בַּר אַהֲבָה לְרַב הוּנָא: וְדִידָךְ מַאן מְגַלַּח לְהוֹן? אֲמַר לֵיהּ: חוֹבָה. תִּקְבְּרִינוֹן חוֹבָה לְבָנֶיהָ. כּוּלְּהוּ שְׁנֵי דְּרַב אַדָּא בַּר אַהֲבָה לָא אִקַּיְּים לֵיהּ זַרְעָא לְרַב הוּנָא.

With regard to the same issue, **Rav Huna**[P] **said:** An adult **who rounds** the head **of a minor boy**[H] **is liable** to receive lashes, despite the fact that the child himself is not obligated to observe mitzvot. **Rav Adda bar Ahava,**[P] who disputed this ruling, **said to Rav Huna: And** with regard to **your** sons, **who shaves them** and rounds the corners of their heads? After all, you maintain that an adult may not round the head of a minor. Rav Huna **said to him: Ḥova** my wife does it, as she is not prohibited from rounding their heads. Rav Adda bar Ahava exclaimed in anger: **Ḥova should bury her sons**[NH] if she acts in this manner. The Gemara reports: During **the years that Rav Adda bar Ahava** was alive, **Rav Huna's children did not survive.** His children died due to the curse pronounced by Rav Adda.

מִכְּדִי תַּרְוַיְיהוּ סְבִירָא הַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה, בְּמַאי קָמִיפַּלְגִי? רַב הוּנָא סָבַר: ״לֹא תַקִּפוּ פְּאַת רֹאשְׁכֶם וְלֹא תַשְׁחִית [אֶת] פְּאַת זְקָנֶךָ״. כָּל שֶׁיֵּשׁ לוֹ הַשְׁחָתָה – יֵשׁ לוֹ הַקָּפָה, וְהָנֵי נָשֵׁי, הוֹאִיל וְלֵיתְנְהוּ בְּהַשְׁחָתָה – לֵיתְנְהוּ נַמִּי בְּהַקָּפָה.

The Gemara asks: **Since both** Rav Huna and Rav Adda **maintain** that **rounding the entire head is called rounding, with regard to what do they disagree?** What is the reason for their respective rulings? The Gemara explains: **Rav Huna,** who prohibits an adult male from rounding the head of a minor but permits a woman to do so, **maintains** that the association between the two prohibitions in the verse: **"You shall not round the corners of your heads, neither shall you destroy the corners of your beard"** (Leviticus 19:27), teaches: **Whoever has** the prohibition of the **destruction** of the beard also **has** the prohibition of **rounding. And these women, since they are not** included **in** the prohibition of **destruction,**[HB] as they do not have beards, **they are not** included in the prohibition of **rounding either.**[H]

וְרַב אַדָּא בַּר אַהֲבָה סָבַר: אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף בְּמַשְׁמַע. וְאִיתְקֵשׁ מַקִּיף לְנִיקָּף; כָּל הֵיכָא דְּנִיקָּף מִיחַיַּיב – מַקִּיף נַמִּי מִיחַיַּיב, וְהַאי קָטָן הוֹאִיל וְהוּא גּוּפֵיהּ לָאו בַּר עוֹנְשִׁין הוּא דְּמִיחַיַּיב – מַקִּיף נַמִּי לָא מִיחַיַּיב.

And Rav Adda bar Ahava, who permits anyone to shave a minor boy's head, **maintains:** Both **one who rounds and one who is rounded**[NH] **are included** in the phrase "you shall not round," which is stated in the plural. **And** in this manner the verse **juxtaposes one who rounds to one who is rounded: Wherever one who is rounded is liable, the one who rounds is also liable; and** with regard to **this minor boy, since he himself is not liable to be punished** for this transgression, an adult who **rounds** his head **is also not liable** due to this action.

HALAKHA

An adult who rounds the head of a minor – הַמַּקִּיף אֶת הַקָּטָן: One who shaves the corners of a minor boy's head is liable to receive lashes, in accordance with the opinion of Rav Huna (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 181:5).

Ḥova should bury her sons, etc. – תִּקְבְּרִינוֹן חוֹבָה וכו': Although a woman is permitted to shave the corners of her own head, she may not remove the hair on the corners of the head of a man or a male child. This is evident from Rav Adda bar Ahava's extreme reaction to Rav Huna's statement. Some authorities maintain that this is a rabbinic prohibition (Ra'avad; Rambam according to *Kesef Mishne*). Others claim that the prohibition against rounding the head does not apply to a woman at all, even if she shaves the head of a man (Rif; Rosh). According to this ruling, which the *Shulḥan Arukh* prefers, the *halakha* is in accordance with the opinion of Rav Huna (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:5; *Shulḥan Arukh*, *Yoreh De'a* 181:6).

They are not included in the prohibition of destruction – לֵיתְנְהוּ בְּהַשְׁחָתָה: If a woman has facial hair she is permitted to shave it all off, as the prohibition against destroying one's beard does not apply to women, as stated by Rav Huna. The same applies to a woman who destroys a man's beard. The *Baḥ* maintains that at the very least a woman is prohibited by rabbinic law from destroying the beard of a man, whereas the *Shakh* claims that the Gemara here proves otherwise (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:7; *Shulḥan Arukh*, *Yoreh De'a* 181:12).

They are not included in the prohibition of rounding either – לֵיתְנְהוּ נַמִּי בְּהַקָּפָה: A woman is permitted to shave the corners of her head, as the prohibition against rounding does not apply to her. If a woman shaved the corners of a man's head she is exempt, as the *halakha* is in accordance with the opinion of Rav Huna. However she is prohibited from doing so, either by rabbinic law or due to the injunction (Leviticus 19:14) "You shall not put a stumbling block before the blind" (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:2; *Shulḥan Arukh*, *Yoreh De'a* 181:6).

Both one who rounds and one who is rounded – אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף: It is prohibited to shave the corners of one's head, and one who does so is flogged. One is also liable if another Jew shaves his head with his assistance. It is prohibited to allow one's head to be rounded even without lending any help at all, and therefore one may not allow a gentile to do so (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:1; *Shulḥan Arukh*, *Yoreh De'a* 181:4).

PERSONALITIES

Rav Huna – רַב הוּנָא: Rav Huna was one of the great second-generation *amora'im* in Babylonia. He served as deputy to his principal teacher, Rav. As the head of the yeshiva in Sura after the death of Shmuel, he was widely regarded as the greatest Sage of his generation. Almost all of the Sages of the next generation were his disciples. Rav Ami and Rav Asi, who studied Torah under him in Babylonia before emigrating to Eretz Yisrael, viewed themselves as subordinate to him. According to a tradition of the *ge'onim* Rav Huna was from the family of the Exilarch. Although in his younger years he was exceedingly poor and studied the Torah amid great hardship, he later became wealthy. Much is related in the Talmud of his piety (see *Ta'anit* 20b), and he was a model of wisdom for generations to follow.

Rav Adda bar Ahava – רַב אַדָּא בַּר אַהֲבָה: A Babylonian *amora*, Rav Adda bar Ahava spanned the first and second generations of *amora'im*. The various talmudic sources referring to Rav Adda bar Ahava indicate that there were at least two, perhaps three, Sages of that name. Apparently the reference in the Gemara here is to the first and greatest Sage to be called by that name. Rav Adda was one of Rav's greatest students. Both Rav and Shmuel appreciated the extent of his righteousness and piety, and would rely on his merit in their belief that they would come to no harm. Future generations would cite his behavior as exemplifying the awe of Heaven. The Talmud tells of his modesty and the painstaking care he took with regard to the honor of Heaven, of his teachers, and of his fellow man. The calculation of the Hebrew calendar, referred to as *tekufat Rav Adda*, is apparently named after this first Rav Adda. Although Shmuel established his own calculation, Rav Adda's far more accurate version serves nowadays as the foundation for the fixed Jewish calendar.

NOTES

Ḥova should bury her sons, etc. – תִּקְבְּרִינוֹן חוֹבָה וכו': In other words, this does not constitute a prohibition according to my ruling, says Rav Adda; however, according to your opinion she is violating a prohibition (Commentary on *Nazir*; *Tosafot*). Others suggest that she sins even according to the opinion of Rav Adda, albeit by rabbinic law (Meiri). However, the Meiri rejects this explanation, insisting that the question refers only to the ruling of Rav Huna, as his statement indicates that the wife is in violation of a mitzva by Torah law. Yet others contend that Rav Adda was not uttering a curse but posing a question: Does Ḥova want to end up burying her sons for acting this way (Rosh; Rabbeinu Azriel)?

Both one who rounds and one who is rounded – אֶחָד הַמַּקִּיף וְאֶחָד הַנִּיקָּף: Some commentaries explain that Rav Adda derives this *halakha* from the double expressions of: "You shall not round," and: "The corners of your heads." In this manner the verse teaches that the hair of one's head must not be rounded, and also that one must not perform this act upon another man (*Tosafot*). Furthermore, as the two prohibitions are derived from the same phrase, they are dependent on each other. Therefore, one is prohibited from rounding the head only of someone who is bound by this prohibition. The dispute between the *amora'im* can be summarized as follows: Rav Huna maintains that one who rounds the head of a minor boy is liable but a woman who rounds the head of another is exempt; whereas according to Rav Adda one who rounds the hair of a minor boy is exempt, but a woman who rounds the head of an adult is liable (*Tosafot*).

BACKGROUND

Since they are not included in the prohibition of destruction – הוֹאִיל וְלֵיתְנְהוּ בְּהַשְׁחָתָה: A woman who has a beard may shave it with a razor. Although it is extremely rare, a woman may have a beard grow due to a condition referred to as hirsutism, which is the growth of superfluous hair in women resulting from mild androgen excess. Another rare condition which may cause a woman to grow a beard is hypertrichosis, which is abnormal growth of hair that may be local or cover the entire body.

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לֵימָא הַקָּפַת כָּל הָרֹאשׁ תַּנָּאֵי הִיא, דְּתָנוּ רַבָּנַן: ״רֹאשׁוֹ״, מַה תַּלְמוּד לוֹמַר – לְפִי שֶׁנֶּאֱמַר ״לֹא תַקִּפוּ פְּאַת רֹאשְׁכֶם״,

The Gemara asks: **Shall we say** that the issue of whether one who **rounds the entire head** is considered to have rounded its corners **is** a dispute between ***tanna'im*? As the Sages taught** in a *baraita*, with regard to a verse that deals with the shaving of a leper: "He shall shave all his hair; **his head** and his beard and his eyebrows, even all his hair he shall shave off" (Leviticus 14:9). **Why** must **the verse state:** "His head," after it has already stated: "All his hair"? The *baraita* explains that **since it is stated: "You shall not round the corners of your heads"** (Leviticus 19:27),

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יָכוֹל אַף מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״רֹאשׁוֹ״. וְתַנְיָא אִידָךְ: ״רֹאשׁוֹ״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר גַּבֵּי נָזִיר ״תַּעַר לֹא יַעֲבֹר עַל רֹאשׁוֹ״. יָכוֹל אַף נָזִיר מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״רֹאשׁוֹ״.

one **might** have thought that **even a leper** should **likewise** be prohibited from rounding off his head. **The verse** therefore specifically **states "his head"** to teach that the mitzva for a leper to remove all the hair of his head overrides the prohibition against rounding one's head. **And it was taught in another** *baraita*: **Why must the verse state: "His head,"** with regard to a leper? **Since it states, with regard to a nazirite: "No razor shall come upon his head"** (Numbers 6:5), one **might** have thought that **even a nazirite leper** should **likewise** be prohibited from shaving upon his purification. Therefore **the verse states: "His head,"** from which it is derived that a nazirite who contracted leprosy must shave his head like any other leper.

מַאי לָאו תַּנָּאֵי הִיא; לְמַאן דְּאָמַר מִנָּזִיר, קָסָבַר: הַקָּפַת כָּל הָרֹאשׁ לָא שְׁמָהּ הַקָּפָה, וְכִי אֲתָא קְרָא – לְמִידְחֵי אֶת לֹא תַּעֲשֶׂה וַעֲשֵׂה. וְאִידָךְ סָבַר: הַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה, וְכִי אֲתָא קְרָא – לְמִידְחֵי לָאו גְּרִידָא?

The Gemara explains: **What, is it not** correct to say that this **is** a dispute between ***tanna'im*? According to the one who says** that the additional term "his head" is to counter a possible prohibition derived **from** the case of **a nazirite,** he **holds** that **rounding the entire head is not called rounding,** and therefore there is no need for a verse to teach that a leper can shave all the hair off his head. **And when the verse** "He shall shave all his hair; his head" **comes,** it comes **to override** both the **prohibition**: "No razor shall come upon his head," **and** the **positive mitzva** stated with regard to a nazirite: "He shall be sacred, he shall let the locks of the hair of his head grow long" (Numbers 6:5). **And the other** *tanna* **holds** that **rounding the entire head is called rounding, and** consequently, **when the verse comes,** it serves **to override only** the **prohibition** against rounding one's head.

אָמַר רָבָא: דְּכוּלֵּי עָלְמָא הַקָּפַת כָּל הָרֹאשׁ לָא שְׁמָהּ הַקָּפָה, וְכִי אֲתָא קְרָא – כְּגוֹן שֶׁהִקִּיף וְלִבְסוֹף גִּילֵּחַ; כֵּיוָן דְּאִילּוּ גָּלְחֵיהּ בְּחַד זִימְנָא – לָא מִיחַיַּיב, כִּי הִקִּיף וְלִבְסוֹף גִּילֵּחַ – נַמִּי לָא מִיחַיַּיב.

Rava said in refutation of this proof: No; it is possible **that everyone** agrees that **rounding the entire head is not called rounding,** even the *tanna* who maintains that the purpose of the verse is to permit a leper to round his head. **And when the verse comes,** it serves to address a particular case, **such as** one **in which he rounded** off only the corners of the head **and ultimately shaved** off the rest of his hair. Although shaving only the corners of one's head is prohibited by the Torah, in this instance he is exempt. The reason is that **since if he shaved** his entire head **at one time he would not be liable,** then **if he rounded** off his head **and ultimately shaved he is also not liable.** Since a leper is permitted to shave all of his head, he can do so in any manner he chooses.

וּמִי כָּתַב קְרָא הָכִי? וְהָאָמַר רֵישׁ לָקִישׁ: כָּל מָקוֹם שֶׁאַתָּה מוֹצֵא עֲשֵׂה וְלֹא תַּעֲשֶׂה, אִם אַתָּה יָכוֹל לְקַיֵּים אֶת שְׁנֵיהֶם – מוּטָב, וְאִם לָאו – יָבוֹא עֲשֵׂה וְיִדְחֶה אֶת לֹא תַּעֲשֶׂה.

The Gemara raises a difficulty with this explanation: **And does the verse write this?** Is it permitted unnecessarily to transgress a prohibition *ab initio*? **But didn't Reish Lakish say: Any place that you find positive mitzvot and prohibitions** that clash with one another, **if you can** find some way to **fulfill both,** that is **preferable; and if** that is **not** possible, **the positive mitzva will come and override the prohibition?** If it is not prohibited to round the entire head, the leper can shave his hair in a permitted manner, and the Torah would not have allowed him to do so in a way that involves the violation of a prohibition.

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אֶלָּא, דְּכוּלֵי עָלְמָא הַקָּפַת כָּל הָרֹאשׁ שְׁמָהּ הַקָּפָה. וּמַאן דְּמוֹקִים לִקְרָא לְמִידְחֵי לֹא תַּעֲשֶׂה וַעֲשֵׂה – לָאו גְּרִידָא מְנָלֵיהּ?

Rather, the Gemara retracts its previous explanation and states the opposite. It is **that everyone** agrees that **rounding the entire head is called rounding.** If so, the *baraita* that states that the verse: "He shall shave all his hair; his head" (Leviticus 14:9), comes to permit the rounding of a leper's entire head is easily understood, as it is derived from here that a positive mitzva overrides a prohibition. **But** according to **the one who establishes the verse** "He shall shave all his hair; his head" as coming **to override** the **prohibition and** the **positive mitzva** of a nazirite, **from where does he** derive that a positive mitzva overrides **only a prohibition?**[N]

יָלִיף מִגְּדִילִים. דְּאָמַר קְרָא ״לֹא תִלְבַּשׁ שַׁעַטְנֵז״. וְתַנְיָא: ״לֹא תִלְבַּשׁ שַׁעַטְנֵז״ – הָא גְּדִילִים תַּעֲשֶׂה לְךָ מֵהֶם.

The Gemara answers: He **derives** it **from** the case of ritual **fringes.** How so? **As the verse states: "You shall not wear diverse kinds,** wool and linen together" (Deuteronomy 22:11), **and it is taught** in a *baraita* that although the command **"You shall not wear diverse kinds"** applies to most cases, the juxtaposed verse: **"You shall make for you fringes"** (Deuteronomy 22:12), teaches that one may prepare ritual fringes even **from** diverse kinds of wool and linen. This teaches that the positive mitzva of ritual fringes overrides the prohibition of diverse kinds.

וּמַאן דְּנָפְקָא לֵיהּ מֵ״רֹאשׁוֹ״ מַאי טַעְמָא לָא נָפְקָא לֵיהּ מִגְּדִילִים? אֲמַר לָךְ: לְכִדְרָבָא הוּא דְּאָתְא.

The Gemara asks: **And** the *tanna* **who derives** the principle that a positive mitzva overrides a prohibition **from "his head"** stated with regard to a leper, **what is the reason that he does not derive it from** the verse that deals with ritual **fringes?** Why does he require another source? The Gemara answers: He could have **said to you** that the verse concerning ritual fringes does not teach that principle, as **it comes for that which Rava** said.

דְּרָבָא רָמֵי: כְּתִיב ״וְנָתְנוּ עַל צִיצִת הַכָּנָף״ – מִין כָּנָף ״פְּתִיל תְּכֵלֶת״. וּכְתִיב ״צֶמֶר וּפִשְׁתִּים יַחְדָּו״.

As Rava raises a contradiction: It is written: "And that they put on the fringe of each corner a thread of sky blue" (Numbers 15:38). The phrase "the fringe of each corner" indicates that ritual fringes must be of the same **type as the corner**[H] of the robe itself, upon which they must place **"a thread of sky blue." And** yet **it is written:** "You shall not wear diverse kinds, **wool and linen together"** (Deuteronomy 22:11). The juxtaposition of these two verses teaches that ritual fringes must be made from wool and linen.

הָא כֵּיצַד? צֶמֶר וּפִשְׁתִּים – פּוֹטְרִים בֵּין בְּמִינָן בֵּין שֶׁלֹּא בְּמִינָן, שְׁאָר מִינִין – בְּמִינָן פּוֹטְרִין, שֶׁלֹּא בְּמִינָן – אֵין פּוֹטְרִין.

How so? How can ritual fringes be made from the same material as the garment itself and also from wool and linen? The answer is that ritual fringes of **wool and linen exempt**[H] a garment and fulfill the obligation of ritual fringes **whether** the garment is **of their** own **type,** i.e., wool and linen, or **whether it is not of their own type,** i.e., all other materials. By contrast, with regard to ritual fringes of **other types** of materials, **they exempt** a garment **of their** own **type;** but **they do not exempt** a garment that is **not of their type.** According to this, the verse juxtaposing ritual fringes to diverse kinds serves to teach that ritual fringes made of wool and linen exempt any garment, not to teach that a positive mitzva overrides a prohibition.

וְהַאי תַּנָּא דְּמַפִּיק לְ״רֹאשׁוֹ״ לְלָאו גְּרִידָא, דְּאָתֵי עֲשֵׂה וְדָחֵי אֶת לֹא תַּעֲשֶׂה וַעֲשֵׂה מְנָלַן? נָפְקָא לֵיהּ מִ״זְקָנוֹ״.

The Gemara continues this line of inquiry: **And** according to **this *tanna*, who derives from** the term **"his head"** that a positive mitzva overrides **only a prohibition, from where do we** derive the *halakha* **that** the **positive mitzva** of a leper's shaving **comes and overrides** the **prohibition and the positive mitzva** of a nazirite? From where does this **tanna** learn that a nazirite who contracted leprosy is obligated to shave? The Gemara answers: **He derives it from** the verse: "He shall shave all his hair; his head and **his beard"** (Leviticus 14:9).[N]

דְּתַנְיָא: ״זְקָנוֹ״ מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״. יָכוֹל אַף כֹּהֵן מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר ״זְקָנוֹ״.

As it is taught in a *baraita*: **Why** must **the verse state: "His beard"?** After all, a beard is already included in the phrase "all his hair." The *baraita* answers: **Since it is stated,** with regard to priests: **"Neither shall they shave off the corners of their beard"** (Leviticus 21:5), one **might** have thought that **even a priest who is a leper is included** in this prohibition against shaving his beard. Therefore, **the verse states: "His beard"** in connection to a leper.

NOTES

From where does he derive that a positive mitzva overrides only a prohibition – לָאו גְּרִידָא מְנָלֵיהּ: Since this *tanna* learns from the term "his head" that a positive mitzva overrides both a prohibition and a positive mitzva, it is evident that in his opinion it can be derived elsewhere that a positive mitzva overrides a single prohibition. The Gemara is discussing the source of this principle (*Tosafot*; Rosh; Meiri).

He derives it from "his beard" – נָפְקָא לֵיהּ מִזְּקָנוֹ: This *tanna* learns from here that a positive mitzva overrides a prohibition and a positive mitzva if they include a lenient aspect. In the case of a nazirite, the leniency is that prohibitions of naziriteship can be dissolved by a halakhic authority; priestly prohibitions do not apply equally to all Jews but only to male priests. According to this opinion, although a nazirite and a priest are dissimilar, their *halakhot* can be derived from each other, as neither mitzva is an all-encompassing obligation (*Tosafot*).

HALAKHA

Corner, the type of the corner – הַכָּנָף, מִין כָּנָף: The sky-blue threads of ritual fringes must always be of wool. If the garment is a woolen one, the white threads should be of wool as well. The white threads of the fringes of a linen garment must be linen. As for other types of material, the white threads of their ritual fringes can be made from the same fabric as the clothing itself, or of wool or linen (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:5).

Wool and linen exempt, etc. – צֶמֶר וּפִשְׁתִּים פּוֹטְרִים וכו׳: Ritual fringes of wool or linen can be used to exempt any type of clothing. Today, in the absence of a definitive determination as to the components of the sky-blue dye, one may not attach woolen ritual fringes to a linen garment, as this constitutes diverse kinds in a situation where the mitzva can be performed with the same type, as the white threads need not be of wool. Ritual fringes of other fabrics may be used only in garments of that same type, but not in clothes made of other materials (Rambam *Sefer Ahava*, *Hilkhot Tzitzit* 3:6; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 9:2–3).

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וּמַאן דְּמַפֵּיק לֵיהּ לְ"רֹאשׁוֹ" לַעֲשׂוֹת וְלֹא תַּעֲשֶׂה, לֵילַף מִ"וְזָקָנוֹ"! וְלִיטַּעֲמִיךְ, דְּקַיְימָא לָן בְּעָלְמָא

The Gemara asks: **And the one who derives** from **"his head" that** the mitzva of shaving overrides both **the positive mitzva and prohibition** of a nazirite, **let him derive** this principle **from "his beard."** The Gemara refutes this suggestion: **And according to your reasoning,** that the term "his beard" teaches that a positive mitzva overrides the prohibition and positive mitzva of a nazirite, that **which we maintain generally,**

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HALAKHA

A positive mitzva does not come and override, etc. – לָא אָתֵי עֲשֵׂה וְדָחֵי וכו': In the case of a positive mitzva and a prohibition that involve the same action, if one can fulfill the positive command without violating the prohibition, he should do so. If not, the positive mitzva overrides the prohibition. This applies only if the positive mitzva is in conflict with the prohibition alone; however, it does not override both a prohibition and a positive mitzva. For this reason, priests do not perform the mitzva of burning invalidated offerings on a Festival. Likewise, a widow may not enter into levirate marriage with a High Priest, and a priest may not render himself ritually impure in a cemetery to perform the mitzva of restoring lost property. These are just a few of many examples (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 3:8; *Sefer Nashim*, *Hilkhot Yibbum VaḤalitza* 6:11; and *Sefer Nezikin*, *Hilkhot Gezeila VaAveda* 11:18; see *Shulḥan Arukh*, *Oraḥ Ḥayyim* 586:21 and *Magen Avraham* there).

דְּלָא אָתֵי עֲשֵׂה וְדָחֵי אֶת לֹא תַּעֲשֶׂה וַעֲשֵׂה, לֵילַף מִכֹּהֵן דְּדָחֵי!

that a positive mitzva does not come and override[H] **a prohibition and a positive mitzva, let him derive from** the fact that a leprous **priest** must shave **that** this mitzva **does override** a prohibition and another positive mitzva.

אֶלָּא, מִכֹּהֵן לָא יָלְפִינַן; מַה לְּכֹהֵן – שֶׁכֵּן לָאו שֶׁאֵינוֹ שָׁוֶה בַּכֹּל. נָזִיר מִכֹּהֵן נַמִי לָא יָלֵיף – שֶׁכֵּן לָאו שֶׁאֵינוֹ שָׁוֶה בַּכֹּל.

Rather, he would explain that **we do not derive** other cases of the Torah **from** the *halakha* of **a priest,** for the following reason: **What** is different about the prohibition **of a priest is that** it is **a prohibition that is not equally** applicable **to all,** i.e., the prohibitions of a priest do not apply to Israelites. For the same reason, the case of **a nazirite also cannot be derived from** that of **a priest, as** the prohibition of a priest is **a prohibition that is not equally** applicable **to all,**[N] in contrast to that of a nazirite. Consequently, the derivation from "his head" is necessary to teach that the shaving of a leper overrides the prohibition stated with regard to a nazirite.

וּמַאן דְּמוֹקֵים לְהַאי "רֹאשׁוֹ" בְּנָזִיר, לְמָה לִי "וְזָקָנוֹ"?!

The Gemara turns its attention to the other opinion: **And** according to **the one who establishes this** verse: "He shall shave all his hair; **his head** and his beard" (Leviticus 14:9), as referring **to a nazirite,** i.e., he derives from this verse the principle that in certain cases, including that of a leprous priest, a positive mitzva overrides a prohibition and a positive mitzva, **why do I** need the term "**his beard**"**?**

מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא: "וְזָקָנוֹ" מַה תַּלְמוּד לוֹמַר? לְפִי שֶׁנֶּאֱמַר "וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ". יָכוֹל אַף כֹּהֵן מְצוֹרָע כֵּן – תַּלְמוּד לוֹמַר "וְזָקָנוֹ".

The Gemara answers: **He requires it for that which is taught** in a *baraita* with regard to the shaving of a leper, which must be performed with a razor: **Why** must **the verse state: "His beard,"** as it already stated that he shaves all his hair? **Since it is stated: "Neither shall they shave off the corners of their beard"** (Leviticus 21:5), one **might** have thought that **even a priest** who is **a leper is included** in the prohibition against shaving. **The verse** therefore **states: "His beard,"** to teach that a leprous priest must shave his beard as well.

וּמְנָלַן דִּבְתַעַר? דְּתַנְיָא: "וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ". יָכוֹל אַף גִּילּוּחוֹ בְּמִסְפָּרַיִם יְהֵא חַיָּיב – תַּלְמוּד לוֹמַר "וְלֹא תַשְׁחִית". אִי לֹא תַּשְׁחִית, יָכוֹל לְיקָטֵן בְּמַלְקָט וּבְרַהִיטְנִי חַיָּיב.

And from where do we derive that a leper must shave **with a razor?**[N] **As it is taught** in a *baraita*: "**Neither shall they shave off the corners of their beard**" (Leviticus 21:5). One **might** have thought that priests **should be liable even if they shaved** their beards **with scissors. The verse states: "And you shall not destroy** the corners of your beard" (Leviticus 19:27), which teaches that the prohibition applies only to the destruction of the beard from its roots. **If** the sole criterion is the phrase "**you shall not destroy,**" one **might** have thought that **if he extracted** his hair **with tweezers or** removed his hair **with** a carpenter's **plane, he should** likewise **be liable** due to the prohibition against destroying his hair.

NOTES

A prohibition that is not equally applicable to all – לָאו שֶׁאֵינוֹ שָׁוֶה בַּכֹּל: Why can one not derive from the case of a nazirite, which is equally applicable to all, that the principle that a positive mitzva overrides a prohibition and a positive mitzva applies to the rest of the mitzvot of the Torah? In other words, just as the positive mitzva of shaving a leper overrides the prohibition and positive mitzva of a nazirite, the same should apply to any positive mitzvot and prohibitions. The answer to this question is stated at the end of the Gemara's discussion: One cannot learn a general principle from the case of a nazirite since the mitzvot of naziriteship are considered lighter than regular ones, as a nazirite vow can be dissolved by a halakhic authority (*Tosafot*). All this represents the opinion of one *tanna*; the other *tanna* maintains that since the mitzvot of a nazirite and a priest are both different from regular mitzvot in that they include a lenient aspect, one can derive the *halakha* of one case from the other.

And from where do we derive that a leper must shave with a razor – וּמְנָלַן דִּבְתַעַר: The verse says that a leper shaves off all his hair, but it does not specify the implement he must use. Theoretically, he could apply a depilatory or remove hair in some other way. The obligation to shave with a razor is derived in an indirect manner: Since the Torah found it necessary to permit a priest to shave his beard, the leper's mitzva must involve an implement whose use would otherwise be prohibited.

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תַּלְמוּד לוֹמַר ״וּפְאַת זְקָנָם לֹא יְגַלֵּחוּ״. אֵיזוֹ גִּילּוּחַ שֶׁיֵּשׁ בּוֹ הַשְׁחָתָה – הֱוֵי אוֹמֵר זֶה תַּעַר.

The verse therefore **states: "Neither shall they shave off the corners of their beard."** Together the two verses lead to the following conclusion: **Which** is the type of **shaving** [***giluaḥ***] **that involves destruction** [***hashḥata***]?[L] **You must say it is a razor.** The fact that it was necessary for the Torah to permit a leper to shave his beard with a razor, notwithstanding the prohibition against using this implement, proves that the positive mitzva overrides this prohibition, as derived from the term "his beard."

וּמַאן דְּמַפֵּיק לֵיהּ לְהַאי ״רֹאשׁוֹ״ לְלָאו גְּרֵידָא, לָמָּה לִי לְמִיכְתַּב ״רֹאשׁוֹ״ וְלָמָּה לִי לְמִיכְתַּב ״וְזָקָנוֹ״?

The Gemara continues to inquire: **And** according to **the one who derives from** the term **"his head"** the principle **that** a positive mitzva overrides **only a prohibition, why do I** need the verse **to write: "His head," and why do I** also need the same verse **to write: "His beard"?** Once is it derived from the phrase "his beard" that a positive mitzva overrides a positive mitzva and a prohibition, the same should certainly apply to a prohibition by itself.

מַשְׁמַע לְמִידְחֵי לָאו גְּרֵידָא, וּמַשְׁמַע לְמִידְחֵי לֹא תַּעֲשֶׂה וַעֲשֵׂה, הֵילְכָךְ שָׁקוּל הוּא, וְיָבוֹאוּ שְׁנֵיהֶן.

The Gemara answers: Both the term "his head" and the term "his beard" could come to **teach the overriding of only a prohibition, and** they also could **teach the overriding of a prohibition and a positive mitzva.** Since the verse is formulated in general terms, it includes a priest or a nazirite. **Therefore,** as it cannot be determined to which case the Torah is referring, **it is even,** i.e., equally balanced, **and** consequently **let both** terms **come** and teach this principle, one with regard to a nazirite, and the other with regard to a priest.

כֹּהֵן מִנָּזִיר לָא יָלֵיף – שֶׁכֵּן יֶשְׁנוֹ בִּשְׁאֵלָה, נָזִיר מִכֹּהֵן לָא יָלֵיף – שֶׁכֵּן לָאו שָׁאֵינוֹ שָׁוֶה בַּכֹּל. וּבְעָלְמָא לָא יָלְפִינַן מִינַּיְיהוּ, מִשּׁוּם דְּאִיכָּא לְמִיפְרַךְ כְּדַאֲמָרַן.

The Gemara adds that both terms are necessary, as the *halakha* of **a priest cannot be derived from** that of **a nazirite, as** the case of a nazirite is lenient in that **it is** possible to dissolve naziriteship **by request** from a halakhic authority. Likewise, the *halakha* of **a nazirite cannot be derived from** that of **a priest, as** the case of a priest involves **a prohibition that is not equally** applicable **to all.** The Gemara comments: **And generally,** with regard to other *halakhot*, **we cannot derive from** these two cases that a positive mitzva overrides a prohibition and a positive mitzva, **due to** the fact that this argument **can be refuted as we said** here.

אָמַר רַב: מֵיקֵל אָדָם כָּל גּוּפוֹ בְּתַעַר. מֵיתִיבִי: הַמַּעֲבִיר בֵּית הַשָּׁחִי וּבֵית הָעֶרְוָה – הֲרֵי זֶה לוֹקֶה.

§ **Rav said: A person** who is not a nazirite **may lighten** his burden by removing **all** the hair of **his body with a razor.** One who feels he has too much hair may shave all of it off with a razor, apart from his beard and the corners of his head. The Gemara **raises an objection** against this from a *baraita*: A man **who removes** the hair **of the armpit or the pubic** hair **is flogged** for transgressing the prohibition: "A man shall not put on a woman's garment" (Deuteronomy 22:5), as this behavior is the manner of women.

הָא בְּתַעַר, הָא בְּמִסְפָּרַיִם. וְהָא רַב נַמִּי בְּתַעַר קָאָמַר! כְּעֵין תַּעַר.

The Gemara answers: In **this** case he is flogged because he shaved **with a razor,** whereas in **that** case Rav said it is permitted because he was referring to one who removes hair **with scissors,** an act that is not considered a prohibition. The Gemara raises a difficulty: **But Rav said** it is permitted **with a razor as well.** The Gemara answers: He did not mean an actual razor; rather, he said that one may use an implement that is **similar to a razor,**[N] i.e., scissors that cut very close to the skin, in the manner of a razor.

אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: הַמַּעֲבִיר בֵּית הַשָּׁחִי וּבֵית הָעֶרְוָה לוֹקֶה. מֵיתִיבִי: הָעֲבָרַת שֵׂיעָר אֵינָהּ מִדִּבְרֵי תוֹרָה אֶלָּא מִדִּבְרֵי סוֹפְרִים. מַאי לוֹקֶה נַמִּי דְּקָאָמַר – מִדְּרַבָּנַן.

Rabbi Ḥiyya bar Abba said that **Rabbi Yoḥanan said:** A man **who removes** the hair **of the armpit**[H] **or the pubic** hair **is flogged.** The Gemara **raises an objection** against this ruling: **The removal of hair is not** prohibited **by Torah law but by rabbinic law.** Why, then, is he liable to receive lashes? The Gemara explains: **What** does it mean **that** Rabbi Yoḥanan **says** that he **is flogged?** This means that he is flogged **by rabbinic law,** a punishment known as lashes for rebelliousness, for disobeying a rabbinic decree.

LANGUAGE

Shaving [*giluaḥ*] and destroying hair [*hashḥata*] – גִּילּוּחַ וְהַשְׁחָתָה: Although these two terms are often used interchangeably, the Sages distinguished between them with regard to *halakha*. Various languages related to Hebrew indicate that the term *galaḥ* means to smooth a surface. However, based on its usage in both the Bible and rabbinic texts, it apparently refers to cutting hair with a razor-like device or scissors. By contrast, *hashḥata* means the removal of hair in such a manner that nothing remains. This can be done using various substances, such as pumice, a light yet abrasive volcanic rock used during antiquity to remove excess hair; through the use of fire; or by shaving. An act of shaving that also destroys can be performed only with a razor.



Pumice

NOTES

Similar to a razor – כְּעֵין תַּעַר: This indicates that it is prohibited to shave one's armpits with a razor; however, one may do so with a razor-like implement. Conversely, the hair that covers other parts of the body may be removed by means of a razor. An alternative version of the text states that it is prohibited to remove armpit hair in any manner, whereas that of other limbs is permitted with scissors alone (Meiri; see *ge'onim*, Rif, and Rambam; see also *Tosafot* on 59a).

HALAKHA

A man who removes the hair of the armpit, etc. – הַמַּעֲבִיר בֵּית הַשָּׁחִי וּבֵית הָעֶרְוָה וכו': It is prohibited for a man to shave the hair of his armpits and his pubic hair with a razor, or with scissors that remove the hair completely in the manner of a razor. One who does so receives lashes for rebelliousness from the Sages. As for the hair on the rest of his body, it is permitted to remove it with scissors, even if they cut in a manner similar to that of a razor, but not with a razor itself. The *halakha* follows Rav, in accordance with the reading of the *ge'onim*. Rabbeinu Tam, following the standard version of the text, rules that scissors that are similar to razors are prohibited on the rest of the body as well (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:9; *Shulḥan Arukh*, *Yoreh De'a* 182:1).

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אֵיכָא דְּאָמְרִי, אָמַר רַבִּי חִיָּיא בַּר אַבָּא אָמַר רַבִּי יוֹחָנָן: הַמַּעֲבִיר בֵּית הַשָּׁחִי וּבֵית הָעֶרְוָה לוֹקֶה מִשּׁוּם ״לֹא יִלְבַּשׁ גֶּבֶר שִׂמְלַת אִשָּׁה״. מֵיתִיבִי: הַעֲבָרַת שֵׂיעָר אֵינָהּ מִדִּבְרֵי תּוֹרָה אֶלָּא מִדִּבְרֵי סוֹפְרִים! הוּא דְּאָמַר כִּי הַאי תַּנָּא, דְּתַנְיָא: הַמַּעֲבִיר בֵּית הַשָּׁחִי וּבֵית הָעֶרְוָה – הֲרֵי זֶה עוֹבֵר מִשּׁוּם ״לֹא יִלְבַּשׁ גֶּבֶר שִׂמְלַת אִשָּׁה״.

Some say a different version of this statement: **Rabbi Ḥiyya bar Abba said** that **Rabbi Yoḥanan said:** A man **who removes** the hair **of the armpit or the pubic** hair **is flogged, due to** the prohibition: **"A man shall not put on a woman's garment"** (Deuteronomy 22:5). The Gemara **raises an objection** from a *baraita*: **The removal of hair is not** prohibited **by Torah law but by rabbinic law.** How then does Rabbi Yoḥanan say that he is flogged, which by definition is a punishment for individuals who have transgressed a Torah law? The Gemara answers: It was **he who said** this *halakha* **in accordance with** the opinion of **that *tanna*, as it is taught** in a *baraita*: A man **who removes** the hair **of the armpit or the pubic** hair **violates** the prohibition **of: "A man shall not put on a woman's garment."**[N]

וְתָנָא קַמָּא, הַאי ״לֹא יִלְבַּשׁ גֶּבֶר״ מַאי דָּרֵישׁ בֵּיהּ? מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא: ״לֹא יִהְיֶה כְּלִי גֶבֶר עַל אִשָּׁה״ מַאי תַּלְמוּד לוֹמַר? אִם שֶׁלֹּא יִלְבַּשׁ אִישׁ שִׂמְלַת אִשָּׁה, וְאִשָּׁה שִׂמְלַת אִישׁ – הֲרֵי כְּבָר נֶאֱמַר ״תּוֹעֵבָה הִיא״ וְאֵין כָּאן תּוֹעֵבָה.

The Gemara asks: **And what** does **the first *tanna***, who holds that the prohibition is by rabbinic law, **learn from this** verse: **"A man shall not put on** a woman's garment"? The Gemara answers: **He requires it for that which is taught** in the *baraita*, where it states: **"A woman shall not wear that which pertains to a man,** and a man shall not put on a woman's garment, for whoever does these things is an abomination to the Lord your God" (Deuteronomy 22:5). **What** is the meaning when **the verse states** this? **If** it teaches only **that a man may not put on**[N] **a woman's garment, and a woman** may not wear **a man's garment, it is already stated** in explanation of this prohibition that **"it is an abomination** to the Lord your God," **and there is no abomination here** in the mere act of wearing a garment.

אֶלָּא, שֶׁלֹּא יִלְבַּשׁ אִישׁ שִׂמְלַת אִשָּׁה וְיֵשֵׁב בֵּין הַנָּשִׁים, וְאִשָּׁה שִׂמְלַת אִישׁ וְתֵשֵׁב בֵּין הָאֲנָשִׁים. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אוֹמֵר: מִנַּיִן שֶׁלֹּא תֵּצֵא אִשָּׁה בִּכְלֵי זַיִן לַמִּלְחָמָה – תַּלְמוּד לוֹמַר ״לֹא יִהְיֶה כְּלִי גֶבֶר עַל אִשָּׁה וְלֹא יִלְבַּשׁ גֶּבֶר שִׂמְלַת אִשָּׁה״ – שֶׁלֹּא יִתַּקֵּן אִישׁ בְּתִיקּוּנֵי אִשָּׁה.

Rather, it means **that a man may not wear a woman's garment** and thereby go **and sit among the women; and a woman** may not wear **a man's garment and sit among the men. Rabbi Eliezer ben Ya'akov says: From where** is it derived **that a woman may not go out with weapons**[H] **to war? The verse states: "A woman shall not wear that which pertains to a man, and a man shall not put on a woman's garment,"** which indicates **that a man may not adorn himself with the cosmetics** and ornaments **of a woman,** and similarly a woman may not go out with weapons to war, as those are for the use of males. Rabbi Yoḥanan's ruling follows this opinion.

אָמַר רַב נַחְמָן: בְּנָזִיר מוּתָּר. וְלֵית הִילְכְתָא כְּוָותֵיהּ. אֲמַרוּ לֵיהּ רַבָּנַן לְרַבִּי שִׁמְעוֹן בַּר אַבָּא: חֲזִינָא לֵיהּ לְרַבִּי יוֹחָנָן דְּלֵית לֵיהּ. אֲמַר לְהוֹן: מֵחֲמַת זִקְנָה נָשְׁרוּ.

§ **Rav Naḥman said: For a nazirite,** it is **permitted**[N] to shave armpit hair. The Gemara comments: **And the *halakha* is not in accordance with his** opinion. The Gemara reports that **the Sages said to Rabbi Shimon bar Abba: We** have **observed that Rabbi Yoḥanan**[P] **does not have** armpit hairs, despite his own ruling that it is prohibited to shave them. **He said to them: They fell out due to old age.**[B]

NOTES

He violates the prohibition of: A man shall not put on a woman's garment – הֲרֵי זֶה עוֹבֵר מִשּׁוּם לֹא יִלְבַּשׁ גֶּבֶר שִׂמְלַת אִשָּׁה: The *ge'onim* write at length that these issues, including wearing a woman's or a man's adornments, are dependent on time and place. If it is the custom of the gentiles in a certain locale for men to wear a particular item of clothing or to groom themselves in a certain style, e.g., to shave their armpits, Jews are permitted to act likewise. The same applies to the customs of women.

If it teaches that a man may not put on, etc. – אִם שֶׁלֹּא יִלְבַּשׁ אִישׁ וכו׳: This *tanna* maintains that the fact that a woman wears a man's garment or vice versa cannot be termed an "abomination." He therefore explains that wearing these clothes is prohibited only if it is for the sake of performing an abomination and in a manner that enables an action of that kind. By contrast, Rabbi Eliezer ben Ya'akov accepts the straightforward reading of the verse that the very wearing of women's clothing, or grooming oneself in the style of a woman, is prohibited to a man. Rabbi Yoḥanan agrees with this opinion.

For a nazirite it is permitted – בְּנָזִיר מוּתָּר: One explanation of this ruling is that a nazirite is permitted to remove his armpit hair when shaving for his naziriteship, as that is part of the act of shaving, and he is not doing so to improve his appearance (*Tosafot*; see *Meromei Sadeh*). Others maintain that this refers to during his term of naziriteship, as his acceptance of the vow proves that he is not trying to beautify himself, which means he is not acting in the manner of a woman (see *Oraḥ Mishor*). Yet others explain simply that although a nazirite may not shave the hair of his head, he is like other men with regard to armpit hair (*Shita Mekubbetzet*).

HALAKHA

A woman may not go out with weapons, etc. – שֶׁלֹּא תֵּצֵא אִשָּׁה בִּכְלֵי זַיִן וכו׳: A woman may not wear a man's garment, nor may she go to war bearing weapons, even if her garments are those of a woman (Rema, citing *Beit Yosef*). Likewise, a man may not put on a robe or an ornament that is worn only by women, as stated by Rabbi Eliezer ben Ya'akov (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 12:10; *Shulḥan Arukh*, *Yoreh De'a* 182:5).

BACKGROUND

Due to old age – מֵחֲמַת זִקְנָה: The same causes of balding, i.e., natural hormonal changes due to age or damage to the hair, also lead to hair loss in other parts of the body. As Rabbi Yoḥanan aged, he apparently experienced hair loss in his armpits.

PERSONALITIES

Rabbi Yoḥanan – רַבִּי יוֹחָנָן: This is Rabbi Yoḥanan bar Nappaḥa, one of the greatest *amora'im*, whose statements are fundamental to both the Babylonian and Jerusalem Talmuds. He resided in Tiberias and lived to an advanced age. Rabbi Yoḥanan was orphaned when he was young and spent virtually all of his resources to enable himself to study Torah. Although his family apparently owned considerable property, he eventually became impoverished. In his youth, he had the privilege of studying under Rabbi Yehuda HaNasi, the redactor of the Mishna, but most of his Torah study was accomplished under Rabbi Yehuda HaNasi's students: Ḥizkiyya ben Ḥiyya, Rabbi Oshaya, Rabbi Ḥanina, and Rabbi Yannai, all of whom lavished praise upon him. In time, Rabbi Yoḥanan became head of the yeshiva in Tiberias, at which point his fame and influence greatly increased.

For a long time Rabbi Yoḥanan was the leading rabbinic Sage in the entire Jewish world, not only in Eretz Yisrael but in Babylonia as well, where he was respected by the Babylonian Sages. Many of these scholars immigrated to Eretz Yisrael to become his students. A master of *halakha* and *aggada*, Rabbi Yoḥanan's statements in both disciplines are found throughout the Babylonian Talmud and the Jerusalem Talmud. As a testament to his intellectual and spiritual stature, the *halakha* is in accordance with his opinion in almost all cases, even when Rav or Shmuel, the preeminent *amora'im* of Babylonia, disagree with him. Only in disputes with his teachers in Eretz Yisrael, e.g., Rabbi Yannai and Rabbi Yehoshua ben Levi, is the *halakha* not in accordance with his opinion.

Rabbi Yoḥanan was renowned for his handsome appearance. Sadly, his life was full of suffering, as ten of his sons died in his lifetime. There is a geonic tradition that one of his sons was the Babylonian *amora* Rabbi Mattana, who did not predecease him. The death of Rabbi Yoḥanan's disciple-colleague and brother-in-law, Reish Lakish, a tragedy for which he considered himself responsible, hastened his own demise.

Rabbi Yoḥanan had many students. In fact, virtually all of the *amora'im* of Eretz Yisrael in succeeding generations were his students and benefited from his wisdom, to the extent that he is considered the author of the Jerusalem Talmud. His greatest students were his brother-in-law Reish Lakish, Rabbi Elazar, Rabbi Ḥiyya bar Abba, Rabbi Abbahu, Rabbi Yosei bar Ḥanina, Rabbi Ami, and Rabbi Asi.

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הַהוּא דְּאִיתְחַיֵּיב נְגִידָא קַמֵּיהּ דְּרַבִּי אַמִּי, אִיגְּלַאי בֵּית הַשְּׁחִי, חֲזָיֵיהּ דְּלָא מְגַלַּח. אֲמַר לְהוֹן רַבִּי אַמִּי: שִׁיבְקוּהּ, דֵּין מִן חַבְרַיָּא הוּא.

The Gemara relates: There was **a certain** person who committed a transgression and **was** found **liable to receive lashes before Rabbi Ami.** When they removed his clothes to flog him, his **armpit was exposed,** and Rabbi Ami **saw that he had not shaved** his armpit hair. **Rabbi Ami said to** his attendants: **Leave him; this is one of those who are meticulous in observance of mitzvot.**[H] We can see this is so, as he is particular about prohibitions that ordinary people do not observe.

בָּעָא מִינֵּיהּ רַב מָרִבִּי חִיָּיא: מַהוּ לְגַלַּח? אֲמַר לֵיהּ: אָסוּר. אֲמַר לֵיהּ: וְהָא קָא גָּדֵל! אֲמַר לֵיהּ: בַּר פָּחֲתֵי, זְמַן יֵשׁ לוֹ, כָּל זְמַן שֶׁהוּא גָּדֵל נוֹשֵׁר.

Rav raised a dilemma before Rabbi Ḥiyya: What is the *halakha* with regard **to shaving** armpit hair? **He said to him:** It is **prohibited.** Rav **said to him: But it grows**[HN] and is uncomfortable. Rabbi Ḥiyya **said to him: Son of nobles** [***bar paḥtei***],[L] this hair **has a** limited **time.**[B] **Whenever** a hair **grows** too long **it falls out,** and therefore there is no concern that one's armpit hair will become too long.

בָּעָא מִינֵּיהּ רַב מָרִבִּי חִיָּיא: מַהוּ לָחוֹךְ? אֲמַר לֵיהּ: אָסוּר. בִּבְגָדוֹ מַהוּ? אֲמַר לֵיהּ: מוּתָּר. אִיבָּא דְּאָמְרִי: בָּעָא מִינֵּיהּ: בִּתְפִלָּה בִּבְגָדוֹ מַאי? אֲמַר לֵיהּ: אָסוּר. וְלֵית הִילְכְתָא כְּוָותֵיהּ.

Rav raised another **dilemma before Rabbi Ḥiyya: What is** the *halakha* with regard **to rubbing**[H] armpit hair and thereby removing it manually? Rabbi Ḥiyya **said to him:** It is **prohibited.** Rav continued to ask: **What is** the *halakha* with regard to rubbing armpit hair indirectly **with one's garment?** Rabbi Ḥiyya **said to him:** It is **permitted. Some say** that this was not Rav's question; rather, **he raised** the following **dilemma before him: What** is the *halakha* with regard to rubbing the armpit with **one's garment during prayer?**[HN] Rabbi Ḥiyya **said to him:** It is **prohibited.** The Gemara comments: **And the *halakha* is not in accordance with his** opinion in this case.

BACKGROUND

Has a limited time – זְמַן יֵשׁ לוֹ: Unlike hair on the head, bodily hair usually has a fixed length beyond which it does not grow. The thickness of the hair and its precise length are determined by genetics and general health.

HALAKHA

This is one of those who are meticulous in observance of mitzvot – דֵּין מִן חַבְרַיָּא הוּא: Those meticulous in their observance of mitzvot should refrain from grooming themselves in the manner of women, e.g., they may not shave their armpits, even in a place where the custom is for men to do so (*Shulḥan Arukh*, *Yoreh De'a* 182:1, in the comment of Rema; and 156:2, in the comment of Rema).

But it grows – וְהָא קָא גָּדֵל: Although men are prohibited to shave their armpit and pubic hair, one may do so for medical purposes or if it is causing him discomfort, as indicated by Rabbi Ḥiyya's response to Rav (*Shulḥan Arukh*, *Yoreh De'a* 182:4).

What is the *halakha* with regard to rubbing – מַהוּ לָחוֹךְ: It is prohibited to rub one's armpit or pubic hair manually for the purposes of removal. However, it is permitted to do so by means of a garment, as stated by Rabbi Ḥiyya to Rav. The *Taz* and *Shakh* discuss whether this is permitted only with regard to armpit hair, or if it is permitted with regard to pubic hair as well (*Shulḥan Arukh, Yoreh De'a* 182:3).

With one's garment during prayer – בִּתְפִלָּה בִּבְגָדוֹ: One may not touch an unclean, sweaty part of his body during prayers, nor may he rub his head. However, it is permitted to clean something off one's body, including the nose or ears, or to rub one's skin with a garment (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 92:7).

NOTES

But it grows – וְהָא קָא גָּדֵל: Some commentaries explain this comment as follows: Since this hair grows all the time, it will eventually become uncomfortable; shortening it now will prevent future pain, rather than promote beautification. Rabbi Ḥiyya replied that this hair will never grow long enough for it to cause discomfort, and one who removes it is acting to improve his appearance (*Tosafot*).

With one's garment during prayer – בִּתְפִלָּה בִּבְגָדוֹ: Direct contact with one's armpit is certainly prohibited during prayer, as the armpit is considered unclean. The question is whether it is permitted to touch this spot by means of one's garment, or whether even that is inappropriate during prayer.

LANGUAGE

Son of nobles [*bar paḥtei*] – בַּר פָּחֲתֵי: The term *bar paḥtei* is usually translated as: Son of nobles, or: Son of the leaders, with *paḥtei* used in the sense of *peḥa*, meaning governor or pasha. Some commentaries claim that in this context it might be a specific reference to Rav's father, who was the older brother of Rabbi Ḥiyya and a deputy to a major figure in the Parthian government. Some *ge'onim* used the form *bar pa'atei* due to its similarity to: "*Pa'atei Moav*" (Numbers 24:17), which means: The great ones of Moab (Rav Tzemaḥ Gaon). Some suggest that the name signifies an extensive knowledge of *halakha* (*Arukh*).

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HALAKHA

If one of them dies, etc. – מֵת אֶחָד מֵהֶן וכו': In the case of two nazirites, where it is unknown which of them is impure, and one of them died before they could bring their offerings, the remaining nazirite brings a bird for a sin-offering and an animal for a burnt-offering, and says as follows: If I was the impure one, the sin-offering is for my obligation and the burnt-offering is a gift offering; and if I was pure, the burnt-offering is for my obligation and the sin-offering is brought due to uncertainty. He proceeds to observe another term of naziriteship at the end of which he brings an offering of purity and says: If I was the impure one, the burnt-offering I brought on the first occasion was a gift offering, and this burnt-offering is for my obligation; and if I was the pure one, the first burnt-offering was for my obligation and the one I am bringing now is a gift offering, and I am also sacrificing the rest of my offerings to fulfill my obligation. The *halakha* is in accordance with the opinion of ben Zoma (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:15).

מתני' מֵת אֶחָד מֵהֶן, אָמַר רַבִּי יְהוֹשֻׁעַ: יְבַקֵּשׁ אֶחָד מִן הַשּׁוּק שֶׁיִּדּוֹר כְּנֶגְדּוֹ בְּנָזִיר,

MISHNA The previous mishna described how two nazirites sacrifice offerings of impurity and purity, in a situation in which one of them has become impure but they do not know which one. This mishna discusses what must be done if **one of them dies**[H] before bringing his offerings. **Rabbi Yehoshua said:** The surviving nazirite **asks someone in the market-place,** a non-nazirite, **to vow to be a nazirite corresponding to him,** i.e., under the same conditions as his own naziriteship, so that he can bring offerings together with him.

וְאוֹמֵר: "אִם טָמֵא הָיִיתִי – הֲרֵי אַתָּה נָזִיר מִיָּד, וְאִם טָהוֹר הָיִיתִי – הֲרֵי אַתָּה נָזִיר אַחַר שְׁלֹשִׁים יוֹם". וְסוֹפְרִין שְׁלֹשִׁים, וּמְבִיאִין קָרְבַּן טוּמְאָה וְקָרְבַּן טָהֳרָה, וְאוֹמֵר: "אִם אֲנִי הוּא הַטָּמֵא – קָרְבַּן טוּמְאָה שֶׁלִּי, וְקָרְבַּן טָהֳרָה שֶׁלְּךָ. וְאִם אֲנִי הוּא הַטָּהוֹר – קָרְבַּן טָהֳרָה שֶׁלִּי, וְקָרְבַּן טוּמְאָה בְּסָפֵק".

And he says to him as follows: **If I was impure, you are hereby a nazirite immediately; and if I was pure, you are hereby a nazirite after thirty days. And they** both proceed to **count thirty days and bring an offering of impurity and an offering of purity. And** the nazirite who was defined as having uncertain impurity **says: If I am the impure** one, **the offering of impurity is mine and the offering of purity is yours; and if I am the pure one, the offering of purity is mine and the offering of impurity** we brought shall be **of uncertain** status.

וְסוֹפְרִים שְׁלֹשִׁים יוֹם, וּמְבִיאִין קָרְבַּן טָהֳרָה, וְאוֹמֵר: "אִם אֲנִי הָיִיתִי הַטָּמֵא – קָרְבַּן טוּמְאָה שֶׁלִּי וְקָרְבַּן טָהֳרָה שֶׁלְּךָ, וְזֶה קָרְבַּן טָהֳרָתִי. וְאִם אֲנִי הוּא הַטָּהוֹר – קָרְבַּן טָהֳרָה שֶׁלִּי, וְקָרְבַּן טוּמְאָה בְּסָפֵק, וְזֶהוּ קָרְבַּן טָהֳרָתְךָ".

And they subsequently **count** another **thirty days and bring an offering of purity, and** the first nazirite **says: If I** was **the impure** one, **the offering of impurity** that we sacrificed at the end of the first thirty days was **mine, and the offering of purity** we brought then was **yours; and this** offering I am bringing now is **my offering of purity. And if I** was **the pure** one, and the deceased nazirite was impure, **the offering of purity** we brought thirty days ago was **mine, and the offering of impurity** we brought earlier was **of uncertain** status, **and this is your offering of purity.**

אָמַר לוֹ בֶּן זוֹמָא: וּמִי שׁוֹמֵעַ לוֹ שֶׁיִּדּוֹר כְּנֶגְדּוֹ בְּנָזִיר? אֶלָּא, מֵבִיא חַטַּאת הָעוֹף וְעוֹלַת בְּהֵמָה, וְאוֹמֵר: "אִם טָמֵא הָיִיתִי – הַחַטָּאת מֵחוֹבָתִי, וְהָעוֹלָה נְדָבָה. וְאִם טָהוֹר הָיִיתִי – הָעוֹלָה מֵחוֹבָתִי, וְהַחַטָּאת מִסָּפֵק".

Ben Zoma said to Rabbi Yehoshua: **And who will listen to him to vow to be a nazirite corresponding to him?** How can one design a *halakha* on the assumption that a non-nazirite will agree to be a nazirite for a lengthy term? **Rather,** a different procedure is available: After thirty days of naziriteship **he brings a bird sin-offering**[N] **and an animal burnt-offering, and says: If I was impure, the sin-offering is for my obligation** as an impure nazirite, **and the burnt-offering** is a regular **gift** offering. **And if I was pure, the burnt-offering is for my obligation** as a pure nazirite, **and the sin-offering** is **of uncertain** status.

וְסוֹפֵר שְׁלֹשִׁים יוֹם, וּמֵבִיא קָרְבַּן טָהֳרָה, וְאוֹמֵר: "אִם טָמֵא הָיִיתִי – הָעוֹלָה הָרִאשׁוֹנָה נְדָבָה, וְזוֹ חוֹבָה. וְאִם טָהוֹר הָיִיתִי – הָעוֹלָה הָרִאשׁוֹנָה חוֹבָה, וְזוֹ נְדָבָה. וְזוֹ שְׁאָר קָרְבָּנַי".

And he counts another **thirty days, and brings an offering of purity, and says: If I was impure, the first burnt-offering** I brought should be considered **a gift** offering, **and this** one I am bringing now is for my **obligation. And if I was pure, the first burnt-offering** I brought is for my **obligation** as a pure nazirite, **and this** one I am bringing now is **a gift** offering. **And these,** i.e., the sin-offering and peace-offering I am sacrificing now, comprises **the rest of my offerings** that I was obligated to bring earlier.

אָמַר רַבִּי יְהוֹשֻׁעַ: נִמְצָא זֶה מֵבִיא קָרְבְּנוֹתָיו לַחֲצָאִים. אֲבָל הוֹדוּ לוֹ חֲכָמִים לְבֶן זוֹמָא.

Rabbi Yehoshua said: According to your opinion, **it turns out** that **this** nazirite **brings his offerings in halves,** i.e., in stages. If he was pure, he brings his burnt-offering thirty days before the rest of his offerings. **However, the Rabbis agreed with ben Zoma,** and disregarded the concern about splitting up the offerings.

NOTES

He brings a bird sin-offering – מֵבִיא חַטַּאת הָעוֹף: A bird sin-offering can be brought out in a case of uncertainty, and it is not considered a non-sacred animal in the Temple courtyard, despite the fact that it cannot be eaten (Commentary on *Nazir*). He does not bring a guilt-offering, as this offering is not indispensable to his purification, and it cannot be sacrificed as a gift offering or in a case of uncertainty. Since an impure nazirite is obligated to bring a bird for a burnt-offering in addition to the sin-offering, some commentaries maintain that this nazirite brings his burnt-offering as well, by stipulating that if he is not obligated in this offering it should be considered a gift. The mishna did not find it necessary to mention this offering, as it is well known that a burnt-offering can be voluntary (*Tosafot*; Rabbeinu Peretz). Others claim that he may bring a bird burnt-offering if he wishes, but refraining from bringing this offering does not preclude his purification (see Commentary on *Nazir* and *Shita Mekubbetzet*).

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גמ׳ וְלִייתֵי! אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: לֹא אָמַר רַבִּי יְהוֹשֻׁעַ אֶלָּא לְחַדֵּד בָּהּ אֶת הַתַּלְמִידִים.

GEMARA The mishna taught that Rabbi Yehoshua countered ben Zoma's opinion by pointing out that his solution would cause the nazirite to bring his offerings in stages. The Gemara asks: What is wrong with that? **And let him bring** the offerings in stages. **Rav Yehuda said** that **Shmuel said: Rabbi Yehoshua said** this comment **only to sharpen** the minds[H] of **the students.** He did not really maintain that it is prohibited to act in this manner; rather, he wanted to test his disciples to see if they were aware of the *halakha*.

אֲמַר רַב נַחְמָן: מַאי לְיַעֲבִיד לֵיהּ רַבִּי יְהוֹשֻׁעַ לְדַקֵּיהּ דְּלָא לִיסְרוּ?

Rav Naḥman said, in a light-hearted vein: **What will Rabbi Yehoshua do with the intestines** of **his** animals so **that they will not spoil?** If he insists that the offerings of purity must all be brought at the same time, the only way to do so is to wait thirty days after slaughtering the burnt-offering before burning its intestines, which is certainly impractical.

מתני׳ נָזִיר שֶׁהָיָה טָמֵא בְּסָפֵק וּמוּחְלָט בְּסָפֵק – אוֹכֵל בְּקָדָשִׁים אַחַר שִׁשִּׁים יוֹם,

MISHNA In the case of **a nazirite who,** on the first day of his naziriteship, **was impure** from a corpse as a matter of **uncertainty and** was also **a confirmed leper** as a matter of **uncertainty,** i.e., it was uncertain whether or not he had leprosy, how can he fulfill the shaving obligations of a pure nazirite and an impure leper? The problem facing this nazirite is that a leper must shave both when he begins his purification process and at the close of it, one week later. However, a nazirite is prohibited from shaving. Additionally, a leper may not partake of sacrificial food, but a nazirite may. Therefore, **he may partake of sacrificial food sixty days after** he may have become impure, when the uncertainty with regard to leprosy will have been clarified. He shaves for the first time for his leprosy after thirty days, and for the second time thirty days later, the shaving of the end of the purification process; at which point he brings the offerings of a purified leper and may partake of sacrificial food.

וְשׁוֹתֶה יַיִן וּמִטַּמֵּא לַמֵּתִים אַחַר מֵאָה וְעֶשְׂרִים יוֹם.

But he **may drink wine and become impure from the dead,** effectively ending his naziriteship, only **after 120 days.** This is because he might have been a full-fledged leper, which means that his shavings count toward his leprosy, not his naziriteship. Consequently, after the first sixty days he must observe another thirty days of naziriteship and shave again. Even then he has yet to fulfill all his obligations, as he might have been impure from a corpse, which means his shaving after ninety days was for his impurity. He must therefore remain a nazirite for another thirty days, before shaving one final time at the end of 120 days to fulfill his naziriteship obligation.

שֶׁתִּגְלַחַת הַנֶּגַע דּוֹחָה תִּגְלַחַת הַנָּזִיר בְּזְמַן שֶׁהוּא וַדַּאי, אֲבָל בְּזְמַן שֶׁהוּא סָפֵק – אֵינוֹ דּוֹחֶה.

The mishna notes: The reason that he cannot shave for his leprosy after seven days and perform the second shaving of a leper seven days later is **because the shaving of leprosy overrides** the prohibition of **the shaving of a nazirite**[H] only **when his** status as **a leper** is **definite. However, when his** status as **a leper** is **uncertain,** the shaving **does not override**[H] his naziriteship, and therefore he must wait thirty days before each of his shavings for leprosy.

HALAKHA

To sharpen the minds – לְחַדֵּד בָּהּ: It is proper for a teacher to mislead his students occasionally through speech or action to test if they recall their studies (Rambam *Sefer HaMadda*, *Hilkhot Talmud Torah* 4:6; *Shulḥan Arukh*, *Yoreh De'a* 246:12).

Because the shaving of leprosy overrides the shaving of a nazirite, etc. – שֶׁתִּגְלַחַת הַנֶּגַע דּוֹחָה תִּגְלַחַת הַנָּזִיר וכו׳: A leprous nazirite who was healed during his naziriteship must shave off all his hair, as the positive mitzva of a leper's shaving overrides the prohibition of a nazirite shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 7:15).

When his status as a leper is uncertain, the shaving does not override – בְּזְמַן שֶׁהוּא סָפֵק אֵינוֹ דּוֹחֶה: The shaving of an uncertain leper does not override the prohibition against a nazirite shaving (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:1).

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NOTES

Birds and a bird sin-offering, etc. – צִפּוֹרִים וְחַטַּאת הָעוֹף וכו׳: He brings the birds in case he is a confirmed leper who requires two birds as part of his purification ritual. The bird of a sin-offering is for the possibility that he is an impure nazirite, while the animal burnt-offering is in case he is neither a leper nor impure, which means he must bring one of the offerings of a pure nazirite to enable him to shave his hair (Commentary on *Nazir*). He is not obligated to bring a bird burnt-offering for his naziriteship of impurity, as this offering is not indispensable to his ritual, and therefore it is not sacrificed in a case of uncertainty. For the same reason he does not bring the peace-offering of a pure nazirite, as it is not certain that he is pure, and therefore he can shave after sacrificing the burnt-offering alone. Consequently, he is not obligated to bring a peace-offering out of uncertainty (*Tosafot*).

גמ׳ תָּנָא: בַּמֶּה דְּבָרִים אֲמוּרִים – בִּנְזִירוּת מוּעֶטֶת, אֲבָל בִּנְזִירוּת בַּת שָׁנָה – אוֹכֵל בְּקָדָשִׁים לְאַחַר שְׁתֵּי שָׁנִים,

GEMARA The Sage **taught: In what** case **is this statement** of the mishna **said? With regard to a short naziriteship** of thirty days. **However, with regard to a naziriteship of a year,**[H] **he partakes of sacrificial food** only **after two years.** He cannot shave until a year has passed, in case he is not a leper; he may shave the second time only a year later, in case he was impure during the first year and this second year was his naziriteship observed in purity. At this stage he may partake of sacrificial meat, for if he was a full-fledged leper he has shaved twice.

וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לְמֵתִים לְאַחַר אַרְבַּע שָׁנִים.

Yet if the first two shavings were for his leprosy, he has not shaved for his naziriteship at all, and therefore he must observe a third year of naziriteship and shave. He then must observe another year of naziriteship and shave again, as perhaps his third shaving was for impurity and the fourth will be for his naziriteship in purity. **And** consequently **he may drink wine and become impure from the dead** only **after four years.**

וְתָנֵי עֻלָּהּ: וּמְגַלֵּחַ אַרְבַּע תִּגְלָחִיּוֹת: תִּגְלַחַת רִאשׁוֹנָה – מֵבִיא צִפּוֹרִים,

And it is taught with regard to the *halakha* of the mishna (*Tosefta* 6:1): **And he shaves** with **four** separate acts of **shaving,**[H] each time for its own reason. How so? For his **first shaving,** after the thirty days of an unspecified naziriteship or at the end of the period he vowed to observe naziriteship, he **brings** two **birds**[H] of a leper: One is slaughtered over spring water and the other is sent away (Leviticus 14:4–7).

וְחַטַּאת הָעוֹף וְעוֹלַת בְּהֵמָה, שְׁנִיָּה – מֵבִיא חַטַּאת הָעוֹף וְעוֹלַת בְּהֵמָה, שְׁלִישִׁית – מֵבִיא חַטַּאת הָעוֹף וְעוֹלַת בְּהֵמָה, רְבִיעִית – מֵבִיא קָרְבַּן טָהֳרָה.

And he also brings **a bird sin-offering**[N] for his shaving of impure naziriteship, as he may have contracted impurity from a corpse, **and an animal burnt-offering** for his shaving of purity, as he may not have contracted impurity from a corpse. For his **second** shaving he **brings a bird sin-offering and an animal burnt-offering.** For his **third** shaving he again **brings a bird sin-offering and an animal burnt-offering.** And for the **fourth** shaving he **brings an offering of purity.**

HALAKHA

However, with regard to a naziriteship of a year, etc. – אֲבָל בִּנְזִירוּת בַּת שָׁנָה וכו׳: If a person who vowed a yearlong term of naziriteship may have contracted both leprosy and impurity from a corpse at the beginning of his term of naziriteship; or if he may have contracted leprosy at the start of his term and contracted impurity from a corpse at the end of the year, his *halakha* is as follows: He counts seven days and is sprinkled with the waters of purification on the third and seventh days. He does not shave on the seventh day. He may not drink wine or become impure to bury a corpse until four years have elapsed, although he may partake of offerings after two years. The Ra'avad holds that in certain cases he does not have to wait the full four years, but only three years and a little more (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:1, and *Kesef Mishne* there).

He shaves with four acts of shaving, etc. – מְגַלֵּחַ אַרְבַּע תִּגְלָחִיּוֹת וכו׳: If a person who vowed a yearlong term of naziriteship may have contracted both leprosy and impurity from a corpse, he shaves for the first time after a year, on which occasion he removes all his hair, as is required of a leper, and performs the purification ritual of a regular leper, involving cedar wood and the two birds. If it turned out that he was neither impure nor a leper, this shaving will mark the end of his pure naziriteship, but if he was a leper it counts as the first shaving of his purification from leprosy. He proceeds to wait another year before shaving for his leprosy for the second time. He cannot shave after the first seven days in case he was not a leper but was impure, and he is therefore prohibited to shave throughout the second year due to his naziriteship. After these two acts of shaving he is certainly purified from his leprosy, and therefore he may partake of offerings. He subsequently observes naziriteship for another year, at which point he shaves for the third time in case he was a leper in the first year, which would mean that he did not fulfill his naziriteship in the first or second year, as he had not yet been purified from his leprosy. Consequently, this third shaving is for his naziriteship of purity. However, it remains possible that he was impure from a corpse as well as a leper in the first year, and his first two shavings were for his purification from leprosy. That means that the third shaving is for his naziriteship of impurity, and he must therefore remain a nazirite for another year. Only after he shaves at the conclusion of this period may he drink wine (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:2).

For his first shaving he brings birds, etc. – תִּגְלַחַת רִאשׁוֹנָה מֵבִיא צִפּוֹרִים וכו׳: How does this uncertain nazirite bring his offerings? If he was wealthy he must legally transfer ownership of his property to someone else so that he can bring the offering of a poor leper. He then brings a bird sin-offering and an animal burnt-offering for his first three shavings. He sacrifices the three animals that constitute the conclusion of his naziriteship of purity at his fourth shaving. With regard to the three bird sin-offerings that he brings for his first three shavings, the first is for his uncertain impurity, the second is for his uncertain leprosy, and the third is in case he was a definite leper and must also bring an offering for his impurity. These sin-offerings brought due to uncertainty are not eaten. As for the burnt-offerings, he stipulates at each of the first three shavings that if he is obligated to bring them they are for his naziriteship of purity, and if not they should be considered gift offerings. When he brings the offerings of purity, at the fourth shaving, he stipulates with regard to the burnt-offering that if he is obliged to bring this offering then it is for his obligation, but if not, it should be a gift offering. His condition is as follows: If I was impure, the first burnt-offering is voluntary and this is for my obligation. If I was a full-fledged leper, the first burnt-offering is for my leprosy, this is for my naziriteship obligation, and the two middle ones are gift offerings. Finally, if I was pure and a leper, one of the first two burnt-offerings is for my obligations as a leper, the other is for my naziriteship, while the third and fourth are voluntary. See Ra'avad for a different explanation of the Gemara (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:4–8, and *Kesef Mishne* there).

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אָמְרַתְּ: תִּגְלַחַת רִאשׁוֹן מֵבִיא וכו׳. מִמַּה נַּפְשָׁךְ שַׁפִּיר קָמַיְתֵּי; דְּאִי וַדַּאי מְצוֹרָע הוּא וְלָאו טָמֵא הוּא – צִיפּוֹרִין חוֹבָתוֹ, וְחַטַּאת הָעוֹף סָפֵק – אָזְלָא לִקְבוּרָה, וְעוֹלָה הָוְיָא נְדָבָה.

The Gemara analyzes the details and reasons for this *halakha*: **You said** in this *baraita* that for the **first shaving** he **brings** the two birds of a leper, as well as a bird sin-offering and an animal burnt-offering. The Gemara explains: In this manner **he brings** the **proper** offerings **whichever way you** look at it. **As, if his** status as **a leper** is **definite and he is not impure,** the **birds** he brings are for **his obligation** to purify himself from leprosy. **And** as **the bird sin-offering** in case he was impure was brought due to **uncertainty,** it **goes for burial,** like all bird sin-offerings sacrificed in a case of uncertainty, which cannot be eaten. **And** the bird **burnt-offering** that he brought in case he was an impure nazirite **is a gift** offering.

וְלֶגַלְּחוֹ תּוֹךְ שִׁבְעָה אִי אֶפְשָׁר, דִּדְילְמָא לָאו מוּחְלָט הוּא, וְרַחֲמָנָא אָמַר ״תַּעַר לֹא יַעֲבֹר עַל רֹאשׁוֹ עַד מְלֹאת״.

The Gemara further explains: **But** it **is not possible to shave him** right **after seven days,** as one usually does when purified from leprosy, **as perhaps he is not a confirmed** leper and has no obligation to shave but is bound by the naziriteship vow, **and the Merciful One says: "No razor shall come upon his head; until** the days are **fulfilled** in which he consecrated himself to the Lord" (Numbers 6:5). This verse teaches that he cannot shave until the end of his naziriteship. Therefore, he shaves only after thirty days.

וְאִי לָאו מְצוֹרָע וַדַּאי הָוֵי, וְהוּא טָמֵא – חַטַּאת הָעוֹף חוֹבָתוֹ, וְצִיפּוֹרִין – אַבָּרָאי קָא מִתְעָבְדִין וְלָא הָוֵי חוּלִּין בָּעֲזָרָה, וְעוֹלַת בְּהֵמָה הָוְיָא נְדָבָה.

The Gemara continues to clarify the various uncertainties concerning the first shaving. **And if he is not a definite leper but he is impure** from a corpse, **the bird sin-offering** is for **his obligation** as an impure nazirite, **and** there is no problem with the unnecessary rituals of a leper's **birds,** as **they are performed outside** the Temple, **and are not** subject to the prohibition against bringing **non-sacred** animals **into the** Temple **courtyard.** Therefore, the slaughter of one of the birds outside the Temple is not a transgression. **And** the **animal burnt-offering is** considered **a gift** offering.

וְאִי לָאו מְצוֹרָע הוּא וְלָאו טָמֵא הוּא – צִיפּוֹרִין אַבָּרָאי קָא מִתְעָבְדִין, חַטַּאת הָעוֹף לִקְבוּרָה, עוֹלַת בְּהֵמָה הָוְיָא חוֹבָתוֹ. וְהָא בָּעֵי אָשָׁם! רַבִּי שִׁמְעוֹן הִיא, דְּאָמַר: מַיְיתֵי וּמַתְנֵי.

And if he is neither a leper nor impure he has also acted correctly, as **the birds are performed outside** the Temple, which means no transgression is committed, while the **bird sin-offering** of uncertain necessity goes **to burial,** and the **animal burnt-offering is** for **his obligation,** like any nazirite who completes his naziriteship. The Gemara asks: **But** isn't a leper **required** to bring **a guilt-offering**[H] to complete his atonement and permit him to partake of sacrificial food? The Gemara answers: **This** ruling is in accordance with the opinion of **Rabbi Shimon, who said** that one **may bring** a guilt-offering **and stipulate** as follows: If I am obligated to bring this offering then it is for my obligation; and if not, it shall be a voluntary peace-offering.

תִּגְלַחַת שְׁנִיָּה וּשְׁלִישִׁית צִיפּוֹרִין לָא צָרִיךְ – דְּהָא עֲבִיד. מַאי אִיכָּא – דִּילְמָא וַדַּאי מוּחְלָט הוּא, חָדָא לִסְפֵּק סְפָרוֹ,

For the **second and third shavings** he does **not need** to bring **birds** again, **as he has** already **performed** this ritual. **What is** the potential concern? That **perhaps he** was previously **a confirmed** leper of **definite** status. For this reason, **one** of the bird sin-offerings he brings at the second shaving is **for** the days of **his counting** when his status was **uncertain.** After the first purification of a confirmed leper he counts seven days, or thirty days in this case due to the uncertainty, and brings a sin-offering.

וַחֲדָא לִסְפֵּק טוּמְאָתוֹ. תִּגְלַחַת רְבִיעִית מֵבִיא קָרְבַּן טָהֳרָה וּמַתְנֵי,

And the **one** sin-offering he brings at his third shaving is **for his uncertain impurity.** If he was a leper, the offerings he brought on the previous occasion were for purification of his leprosy, not his naziriteship. This means that, if he was impure, he is still required to bring a sin-offering for his impurity as a nazirite. Furthermore, the animal burnt-offerings he brings for his second and third shavings are for his naziriteship of purity. For his **fourth shaving he brings an offering of purity and stipulates** as follows:

HALAKHA

But isn't he required to bring a guilt-offering, etc. – וְהָא בָּעֵי אָשָׁם וכו׳: The guilt-offering and burnt-offering are not indispensable for the shaving of impurity or for the purification of a leper. The *halakha* is not in accordance with the opinion of Rabbi Shimon that one may stipulate that it is a voluntary offering. Rather, the *halakha* follows the opinion of the Rabbis, who permit one to shorten the time before the invalidation of an offering, as stated in the Jerusalem Talmud (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:8).

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Whose status as a confirmed leper was uncertain and who was definitely impure – מוּחְלָט סָפֵק וְטָמֵא וַדַּאי: In this case, the nazirite counts seven days for his purification from the dead, shaves, and then observes another thirty days of naziriteship in purity. At the end of these thirty-seven days, any possibility of the impurity of a confirmed leper has been eliminated, and therefore he may partake of sacrificial food. However, if he was a leper he has yet to shave for his naziriteship, because the first shaving was for his confirmed leprosy and the second for the leper's days of counting. He is therefore required to wait a further seven days so that his hair can grow, at the end of which he shaves in accordance with the *halakha* of an impure nazirite, before commencing his naziriteship of purity. This makes a total of seventy-four days (Commentary on *Nazir*).

וְאִי וַדַּאי נָזִיר הוּא – עוֹלָה הָרִאשׁוֹנָה חוֹבָה, וְזוֹ נְדָבָה. וְאִם טָמֵא וּמוּחְלָט הוּא – עוֹלָה הָרִאשׁוֹנָה נְדָבָה, וְזוֹ חוֹבָה, וְזֶה שֶׁאָר קָרְבָּנוֹ.

And if he was a definite nazirite from the start and was neither impure from a corpse nor a leper, **the first burnt-offering** he brought after his initial shaving was for his **obligation** of pure naziriteship, **and this** one he is bringing now is **a gift** offering. **And if he was impure** from a corpse **and a confirmed** leper, **the first burnt-offering** he brought was **a gift** offering **and this** one he is bringing now is for his **obligation. And these,** the guilt-offering and peace-offering he is currently bringing, are for **the rest of his** obligatory **offerings.** This concludes the Gemara's analysis of the case of the *baraita*.

טָמֵא סָפֵק וּמוּחְלָט וַדַּאי – אוֹכֵל בְּקָדָשִׁים לְאַחַר שְׁמוֹנָה יָמִים, וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לְמֵתִים לְאַחַר שִׁשִּׁים וְשִׁבְעָה יָמִים.

§ The Gemara addresses similar situations: A nazirite about whom it was **uncertain** if he was **impure** from a corpse, **and** he was **a confirmed** leper whose status was **definite,**[H] **partakes of sacrificial food after eight days.** He counts seven days, after which he is purified from his leprosy. On the following day he brings his offerings and may partake of sacrificial food. **And he may drink wine and become impure from the dead after sixty-seven days.** He is required to count another thirty days for his naziriteship and shave, at which point he must observe another thirty days, in case his first shaving was for his impurity, and his second shaving is for his purity.

מוּחְלָט סָפֵק וְטָמֵא וַדַּאי – אוֹכֵל בְּקָדָשִׁים לְאַחַר שְׁלֹשִׁים וְשִׁבְעָה יָמִים, וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לְמֵתִים לְאַחַר שִׁבְעִים וְאַרְבָּעָה יָמִים.

The Gemara discusses another case: A nazirite whose status as **a confirmed** leper was **uncertain and** who was **definitely impure**[NH] from a corpse **partakes of sacrificial food after thirty-seven days.** He shaves after seven days for his definite impurity and starts counting thirty days of naziriteship afresh. At the conclusion of this period he shaves again, which renders him pure from any uncertain leprosy, and may partake of sacrificial food. However, **he may drink wine and become impure from the dead** only **after seventy-four days.** Since he might have been a confirmed leper, his first two shavings, after seven and thirty-seven days, count only toward the two stages of his purification from leprosy, for his first shaving and after the days of his counting. He must therefore observe a further thirty days for his naziriteship of purity.

טָמֵא וַדַּאי וּמוּחְלָט וַדַּאי – אוֹכֵל בְּקָדָשִׁים לְאַחַר שְׁמוֹנָה יָמִים, וְשׁוֹתֶה יַיִן וּמִיטַּמֵּא לְמֵתִים לְאַחַר אַרְבָּעִים וְאַרְבָּעָה יָמִים.

The Gemara mentions yet another case: A nazirite who was **definitely impure** from a corpse **and** he was **a confirmed** leper whose status was **definite**[H] **partakes of sacrificial food after eight days.** He immediately shaves his first shaving for his leprosy, then counts seven days and shaves again for his leprosy and partakes of sacrificial food on the following day. **And he may drink wine and become impure from the dead after forty-four days.** He counts a further seven days of hair growth for his shaving of impurity, shaves, and finally observes thirty more days for his naziriteship of purity.

HALAKHA

Uncertain if he was impure from a corpse and he was a confirmed leper whose status was definite – טָמֵא סָפֵק וּמוּחְלָט וַדַּאי: If a nazirite became a confirmed leper and may have contracted impurity from a corpse, after his purification for his leprosy he is sprinkled with the waters of purification on the third and seventh days, starts counting naziriteship again since the uncertain impurity causes him to forfeit his earlier days of naziriteship, and then brings the offering for his naziriteship of purity. At this stage he is permitted to drink wine. Once he has brought the offerings for a leper's purification ritual, he is permitted to eat sacrificial food (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:10, and see Radbaz and *Leḥem Mishne* there).

Whose status as a confirmed leper was uncertain and who was definitely impure – מוּחְלָט סָפֵק וְטָמֵא וַדַּאי: With regard to a nazirite who was definitely impure from a corpse and whose status as a confirmed leper is uncertain, he observes a full naziriteship term when he is healed from his uncertain leprosy. He performs the first shaving of a leper, counts the seven days between a leper's two shavings, shaves, and brings his offerings. He may now partake of sacrificial food. Next he is sprinkled with the waters of purification on the third and seventh days to purify himself from his possible impurity from the dead, shaves after seven days for his impurity, and proceeds to complete his naziriteship of purity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:11).

Definitely impure from a corpse and confirmed leper whose status was definite – טָמֵא וַדַּאי וּמוּחְלָט וַדַּאי: A nazirite who was definitely impure from a corpse and is also a confirmed leper becomes ritually pure as follows: He performs the first shaving of a leper once he is healed, is sprinkled with the waters of purification on the third and seventh days, shaves for his leprosy for the second time, and sacrifices his offerings on the eighth day. At that point he may partake of sacrificial food. He then counts seven days and shaves for his impurity, before finally completing his naziriteship in purity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:12).

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שָׁאֲלוּ תַּלְמִידָיו אֶת רַבִּי שִׁמְעוֹן בֶּן יוֹחַי: נָזִיר טָהוֹר וּמְצוֹרָע, מַהוּ שֶׁיְּגַלַּח תִּגְלַחַת אַחַת וְעוֹלָה לוֹ לְכָאן וּלְכָאן? אָמַר לָהֶן: אֵינוֹ מְגַלֵּחַ.

§ **The students of** Rabbi Shimon ben Yoḥai **asked Rabbi Shimon ben Yoḥai:**[P] With regard to one who was **a pure nazirite and a leper,**[N] **what is** the *halakha* concerning the possibility **that he may shave one shaving and it will count for him**[H] both **for this and for that?** In other words, can it serve for his shaving of leprosy as well as for his naziriteship? **He said to them: He may not shave** once for both requirements.

אָמְרוּ לוֹ: לָמָּה? אָמַר לָהֶן: אִילּוּ זֶה לְגַדֵּל וְזֶה לְגַדֵּל, וְזֶה לְהַעֲבִיר וְזֶה לְהַעֲבִיר – יָפָה אַתֶּם אוֹמְרִים. עַכְשָׁיו, נָזִיר – לְהַעֲבִיר, וּמְצוֹרָע – לְגַדֵּל.

They said to him: Why not? **He said to them: If** the aim of both shavings were the same, **this one to grow** hair **and that one to grow** hair, **or this one to remove** hair **and that one to remove** hair, **you** would have **spoken well. Now** in actual fact the two shavings have different functions: **A nazirite** shaves **to remove** his hair, **and a leper** shaves **to grow** hair, so that he can shave again after the days of his counting.

וְלֹא תַעֲלֶה לוֹ לִימֵי חִלּוּטוֹ, וְתַעֲלֶה לוֹ לִימֵי סְפָרוֹ. וְאָמַר לָהֶן: אִילּוּ זֶה לִפְנֵי זְרִיקַת דָּמִים וְזֶה לִפְנֵי זְרִיקַת דָּמִים – יָפָה אַתֶּם אוֹמְרִים, אֶלָּא מְצוֹרָע לִפְנֵי זְרִיקַת דָּמִים וְנָזִיר לְאַחַר זְרִיקַת דָּמִים.

His students posed another question: **But** even if his shaving of naziriteship does **not count for him as** the shaving of the completion of **his days of confirmed** leprosy, **let it** at least **count for him** as the shaving at the end of the **days of his counting,** which is not followed by another act of shaving, and therefore is performed only for the purpose of removing his hair. **And** Rabbi Shimon ben Yoḥai **said to them: If this one** were performed **before the sprinkling of blood and that one before the sprinkling of blood, you** would have **spoken well. However, a leper** shaves **before the sprinkling of** his offering's **blood, and a nazirite** does so **after the sprinkling of** the **blood.** Therefore, the two shavings are not equivalent.

וְלֹא תַעֲלֶה לוֹ לִימֵי צָרַעְתּוֹ וּנְזִירוּתוֹ, וּתַעֲלֶה לוֹ לִימֵי צָרַעְתּוֹ וְטוּמְאָתוֹ. אָמַר לָהֶן: אִילּוּ זֶה לִפְנֵי בִּיאַת מַיִם וְזֶה לִפְנֵי בִּיאַת מַיִם – יָפָה אַתֶּם אוֹמְרִים, אֶלָּא טָמֵא לְאַחַר בִּיאַת מַיִם מְצוֹרָע לִפְנֵי בִּיאַת מַיִם.

Rabbi Shimon ben Yoḥai's students asked him yet another question: **And** granted that his shaving does **not count for his days of leprosy and his naziriteship, let it** at least **count for his days of leprosy and his** shaving of naziriteship of **impurity,** both of which are performed before the sprinkling of the blood. **He said to them: If this one** shaved **before** his **immersion in water, and that one before immersion in water, you** would have **spoken well. However, an impure** nazirite shaves **after immersion in water,** whereas **a leper** shaves **before immersion in water.**

אָמְרוּ לוֹ: יָפָה אָמַרְתָּ שֶׁלֹּא תַעֲלֶה לוֹ לִימֵי סְפָרוֹ וְלִנְזִירוּתוֹ. וְתַעֲלֶה לוֹ לִימֵי חִלּוּטוֹ וְטוּמְאָתוֹ – דְּזֶה לְגַדֵּל וְזֶה לְגַדֵּל הוּא!

They said to Rabbi Shimon ben Yoḥai: **You** have **spoken well,**[N] and convinced us **that** one shaving **should not count for** the **days of his counting and for his naziriteship. But** why not say that it should at least **count for his days of confirmed** leprosy **and his** naziriteship of **impurity, as** the purpose of **this** shaving is **to grow** hair **and** the purpose of **that one** is **to grow** hair.

אָמַר לָהֶן: נָזִיר טָהוֹר וְהוּא מְצוֹרָע – זֶה לְגַדֵּל וְזֶה לְהַעֲבִיר, וְאִם נָזִיר טָמֵא וְהוּא מְצוֹרָע – זֶה לִפְנֵי בִּיאַת מַיִם וְזֶה לְאַחַר בִּיאַת מַיִם.

He said to them: Here too the acts of shaving for naziriteship and leprosy are not exactly the same: If he is **a pure nazirite and he is** also **a leper,** the difference is that the aim of **this** one, the shaving of a leper, is **to grow** hair, **and** the aim of **that** one, the shaving of the pure nazirite, is **to remove** his hair. **And if** he is **an impure nazirite and he is** also **a leper,** the difference is that **this** shaving, of a leper, occurs **before immersion in water, and that** one, the shaving of an impure nazirite, is performed **after immersion in water.**

NOTES

A pure nazirite and a leper, etc. – נָזִיר טָהוֹר וּמְצוֹרָע וכו׳: Later authorities write that this cannot be referring to one who contracted leprosy during his term as a nazirite, as those days do not count toward his naziriteship, and therefore there is no situation in which he is obligated to perform both shavings. Rather, this refers to one who has finished his naziriteship but has yet to bring his offerings. With regard to this case, the students asked why four acts of shaving are necessary when two can serve for both leprosy and naziriteship (*Meromei Sadeh*; *Keren Ora*).

They said to him, you have spoken well, etc. – אָמְרוּ לוֹ יָפָה וכו׳: Some early commentaries claim that this entire passage, until the end of the *amud*, should be omitted, as it merely repeats the previous arguments without adding anything. Some commentaries suggest that it should be read as a different version of the discussion between Rabbi Shimon ben Yoḥai and his students (*Tosafot*; see also the *Tosefta*).

HALAKHA

What is the *halakha* that he may shave one shaving and it will count for him – מַהוּ שֶׁיְּגַלַּח תִּגְלַחַת אַחַת וְעוֹלָה לוֹ: One may not count a single shaving toward his obligations of both leprosy and naziriteship, as explained by Rabbi Shimon (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 10:1).

PERSONALITIES

Rabbi Shimon ben Yoḥai – רַבִּי שִׁמְעוֹן בֶּן יוֹחַי: Rabbi Shimon ben, or bar, Yoḥai, was among the greatest *tanna'im* of the generation prior to the redaction of the Mishna. Rabbi Shimon was the preeminent student of Rabbi Akiva. Rabbi Shimon's greatness was manifest in his mastery of both *halakha* and *aggada*, and his statements can be found on all topics in every tractate of the Talmud. Although *halakha* is not always ruled in accordance with Rabbi Shimon ben Yoḥai's opinion, especially in disputes with Rabbi Yosei and Rabbi Yehuda, with regard to several core issues, the *halakha* is in accordance with his opinion. Rabbi Shimon had his own unique method of deriving *halakha* from the Torah: He factored in the rationale of the verse and inferred halakhic conclusions from the Bible based on the spirit and purpose of the *halakha*.

Rabbi Shimon traveled to Rome as an emissary of the Jewish people but he harbored profound enmity toward the Romans. Because he made no attempt to conceal his feelings, he was sentenced to death in absentia by the Romans and forced into hiding for many years. He was an ascetic by nature who was very exacting, and was famous in his generation for his righteousness and his performance of miracles. There are many anecdotes related in the Talmud about miraculous acts that he performed.

The *Sifrei*, a collection of halakhic derivations from the books of Numbers and Deuteronomy, was developed in his study hall. He is also the primary figure in the fundamental book of kabbala, the *Zohar*. His greatest students were Rabbi Yehuda HaNasi; Rabbi Shimon ben Yehuda; and his son, Rabbi Elazar ben Rabbi Shimon, who was also among the most prominent *tanna'im*.

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NOTES

Due to the mitzva, etc. – מִשּׁוּם מִצְוָה וכו׳: The commentaries explain that this question does not arise in the case of the four shavings of the nazirite discussed in the mishna, as each of those might be his shaving of purity, which must be performed with a razor (see 40a). The difficulty concerns the four shavings of a nazirite who may be a leper and impure from a corpse and similar cases, when one of the shavings is certainly for his impurity (*Tosafot*). The question could have been posed with regard to the shaving of impurity in general, but it happened to have been asked in the course of the discussion of this particular case.

תָּנֵי רַבִּי חִיָּיא: זֶה לִפְנֵי בִיאַת מַיִם (חַיִּים) וְזֶה לְאַחַר בִּיאַת מַיִם, זֶה לִפְנֵי זְרִיקַת דָּמִים וְזֶה לְאַחַר זְרִיקַת דָּמִים.

Rabbi Ḥiyya teaches the same *halakha*: The shaving of a leper does not count for the shaving of naziriteship, as **this** one, a leper, shaves **before immersion in water, and that** one, an impure nazirite, shaves **after immersion water. This** one, the leper, shaves **before** the **blood is sprinkled, and that** one, the pure nazirite, shaves **after** the **blood is sprinkled.**

״שְׁתִּגַּלַּחַת הַנָּגַע״ וכו׳. בָּעֵי רָמִי בַּר חָמָא: הָנֵי אַרְבַּע תִּגְלָחִיּוֹת דְּקָאָמַר, מִשּׁוּם מִצְוָה אוֹ מִשּׁוּם אַעְבּוּרֵי שֵׂיעָר טוּמְאָה?

§ The mishna taught **that the shaving of leprosy** overrides the shaving of a nazirite only when he is a confirmed leper. **Rami bar Ḥama raises a dilemma: Those four shavings about which** the *tanna* **spoke,** the four that a nazirite performs for his leprosy and impurity, are they all **due to** the **mitzva**[N] of shaving, **or** are some of them not performed for the sake of a mitzva, but **for the sake of removing hair** that grew in **impurity,** so that other hair can grow?

לְמַאי נָפְקָא מִינָּה – לְעַבּוּרֵי בְּנָשָׂא. אִי אָמְרַתְּ מִשּׁוּם מִצְוָה – לְעַבּוּרֵי בְּנָשָׂא לָא, וְאִי אָמְרַתְּ מִשּׁוּם אַעְבּוּרֵי שֵׂיעָר טוּמְאָה – אֲפִילּוּ סָכֵיהּ נָשָׂא נַמִי.

The Gemara asks: **What** is the **difference** whether he shaves for one reason or another? The Gemara explains: It is relevant with regard **to removing** hair **with a depilatory. If you say** that the reason is **due to a mitzva, removing with a depilatory** is **not** an option, as the mitzva is specifically to shave. **But if you say** the reason is **due to the removal of hair of impurity, even if he rubs it with a depilatory** that is **also** effective.

מַאי? אֲמַר רָבָא, תָּא שְׁמַע: וּמְגַלֵּחַ אַרְבַּע תִּגְלָחִיּוֹת; אִי סָלְקָא דַּעְתָּךְ מִשּׁוּם עַבּוּרֵי שֵׂיעָר טוּמְאָה – אֲפִילּוּ בִּשְׁלֹשׁ נַמִי סַגְיָא לֵיהּ, שְׁמַע מִינָּהּ: מִשּׁוּם מִצְוָה, שְׁמַע מִינָּהּ.

What then is the *halakha*? **Rava said: Come** and **hear** a resolution from a *baraita* (*Tosefta* 6:1): **And he shaves** with **four** acts of **shaving.** Now **if it should enter your mind** that the reason is **for the sake of removing hair of impurity, even three** shavings should **be enough for him,** two for his leprosy, and the last one for his naziriteship of purity. Since the third shaving is performed only to remove his hair of impurity so that he can start his pure naziriteship afresh, why is it included? **Conclude from** the *baraita* that all four shavings are **due to** the **mitzva** of shaving. The Gemara says: **Conclude from** the *baraita* that this is the case.

הדרן עלך שני נזירים

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Summary of **Perek VIII**

To resolve the predicament of a nazirite who might have become impure, the individual in question is required to observe two full naziriteship terms. At the end of the first period he brings the offerings of a nazirite who has become impure, while adding the stipulation that if he was in fact not impure the offerings should be considered those of a pure nazirite or as gift offerings. He then begins a conditional naziriteship term in purity: If he was impure, the new period is obligatory, whereas if he was not impure it is an additional voluntary term. With regard to an uncertainty that involves two nazirites, at the end of the first term they bring offerings of impurity and offerings of purity and stipulate that the offerings for impurity should satisfy the obligation of the individual who was impure, while the other should be for the pure nazirite. At the end of the second term they bring offerings of purity for the one who was impure in the first term, while issuing a corresponding stipulation.

If a nazirite might have become impure from a corpse and might be a leper, he observes four periods of naziriteship. This is because one act of shaving does not count toward both the obligation of naziriteship and that of a leper. After the first term has been completed, he performs the first shaving of a leper; after the second, he undergoes the second shaving for his leprosy; following the third term he shaves as an impure nazirite; and when the fourth term is over he performs the shaving for the completion of naziriteship in purity.

Since some of the offerings are sacrificed only due to uncertainty, e.g., those of an impure nazirite and a leper, this individual does not bring a guilt-offering but only a bird sin-offering brought for uncertainty, and other offerings that can be stipulated as voluntary.

The Gemara analyzed the issue of why one cannot satisfy the obligation of a leper to shave and the shaving of a nazirite with the same act. The Gemara also discussed the tangential issue of the prohibitions against rounding one's head and shaving one's beard. A more in-depth study concerned the relationship between a positive mitzva and a prohibition with regard to the order of preference when two or more mitzvot conflict.

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Introduction to **Perek IX**

Speak to the children of Israel and say to them: When a man or woman shall clearly utter a vow, the vow of a nazirite, to consecrate himself to the Lord.

(Numbers 6:2)

Speak to the children of Israel and say to them: When a man shall clearly utter a vow of persons to the Lord, according to your valuation.

(Leviticus 27:2)

And if any man shall die very suddenly beside him, and he defile his consecrated head, then he shall shave his head in the day of his cleansing, on the seventh day shall he shave it.

(Numbers 6:9)

This chapter completes the various topics associated with naziriteship and incidentally addresses issues of a similar halakhic nature. The first topic concerns individuals who are unable to become full-fledged nazirites, e.g., gentiles, who may not adopt any measure of naziriteship. It also addresses those who are under another's authority and are therefore incapable of adhering to the strictures of this vow, e.g., women, Canaanite slaves, and minors. The Gemara seeks textual support for these *halakhot* and contrasts the rulings that apply to these different individuals.

Another topic addressed is the procedure of a nazirite who contracted ritual impurity from a corpse but discovered that fact only after he completed his term of naziriteship. The *halakhot* of impurity of a nazirite depend on the degree of one's awareness of the source of impurity, and therefore this chapter considers various uncertainties involving different sources of impurity. The Gemara discusses when one must search for unknown graves and when one must be concerned for a possible plague of leprosy or the discharge of a *zav*. In addition, the chapter examines *halakhot* concerning a source of impurity that is not fixed in place but is floating.

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מתני׳ הַגּוֹיִם אֵין לָהֶם נְזִירוּת, נָשִׁים וַעֲבָדִים יֵשׁ לָהֶן נְזִירוּת, חוֹמֶר בְּנָשִׁים מִבַּעֲבָדִים: שֶׁהוּא כּוֹפֶה אֶת עַבְדּוֹ, וְאֵינוֹ כּוֹפֶה אֶת אִשְׁתּוֹ.

MISHNA

Gentiles do not have naziriteship,[H] i.e., the *halakhot* of naziriteship do not apply to gentiles. They are not subject to the prohibitions of a nazirite, nor does one accept their offerings at the end of naziriteship. However, **women and** Canaanite **slaves**[H] **do have naziriteship.** The mishna adds: There is a greater **stringency in** the case of **women than in** the case of **slaves, as** a master **may force his slave**[NH] to drink wine, shave his hair, or become ritually impure from a corpse, despite the slave's vow of naziriteship, **but** a husband **cannot force his wife** to transgress her naziriteship.

גמ׳ קָתָנֵי: הַגּוֹיִם אֵין לָהֶם נְזִירוּת. מְנָא הָנֵי מִילֵּי? דְּתָנוּ רַבָּנַן: ״דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל״ – וְלֹא לַגּוֹיִם: ״וְאָמַרְתָּ אֲלֵיהֶם״ לְרַבּוֹת אֶת הָעֲבָדִים. לָמָּה לִי קְרָא? הָאָמְרַתְּ: כָּל מִצְוָה שֶׁהָאִשָּׁה חַיֶּבֶת בָּהּ עֶבֶד חַיָּיב בָּהּ!

GEMARA

The mishna **teaches** that **gentiles do not have naziriteship,** whereas women and slaves can be nazirites. The Gemara asks: **From where are these matters** derived? It is **as the Sages taught,** that the beginning of the passage about naziriteship, which states: "**Speak to the children of Israel**" (Numbers 6:2), serves to emphasize that these *halakhot* apply to Jews, **but not to the gentiles.** Furthermore, the continuation of the verse: "**And say to them,** when a man or woman shall clearly utter a vow," serves **to include slaves.** The Gemara asks: **Why do I** need **a verse** to include slaves? **Haven't you said** the following principle: **Any mitzva that a woman is obligated in** its performance,[H] **a slave is** also **obligated in** its performance? Since the *halakhot* of naziriteship apply to a woman, they should likewise apply to slaves.

אֲמַר רָבָא: שָׁאנֵי הָכָא, דְּאָמַר קְרָא ״לֶאֱסֹר אִסָּר עַל נַפְשׁוֹ״ – בְּמִי שֶׁנַּפְשׁוֹ קְנוּיָה לוֹ, יָצָא עֶבֶד שֶׁאֵין נַפְשׁוֹ קְנוּיָה לוֹ; הוֹאִיל וְאֵין נַפְשׁוֹ קְנוּיָה לוֹ, אֵימָא גַּבֵּי נָזִיר נַמִּי לָא – קַמַשְׁמַע לָן.

Rava said: Here it **is different, as** with regard to vows **the verse states: "To bind his soul with a bond"** (Numbers 30:3), and the Sages expounded that this is referring only **to one whose soul is in his possession,** i.e., who is under his own jurisdiction. This **excludes a slave, whose soul is not in his possession,** but who is under his master's control. The verse from Leviticus is necessary, lest you say that **since** a slave's **soul is not in his possession,** one should **say** that **with regard to** the *halakhot* of **a nazirite as well,** he **cannot** undertake this vow notwithstanding the principle that slaves have similar *halakhot* to women with regard to obligations, who can become nazirites. The aforementioned verse **teaches us** that a slave can in fact take a vow of naziriteship.

אָמַר מָר: ״דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל״ – וְלֹא לַגּוֹיִם. וְכָל הֵיכָא דִּכְתִיב ״יִשְׂרָאֵל״ גּוֹיִם לָא? וְהָא גַּבֵּי עֲרָכִין, דִּכְתִיב ״דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל״. וְתַנְיָא: בְּנֵי יִשְׂרָאֵל מַעֲרִיכִין, וְאֵין הַגּוֹיִם מַעֲרִיכִין.

The Gemara returns to the earlier exposition of the verse. **The Master said** in the *baraita* that the verse specifies: **"Speak to the children of Israel," but not to the gentiles.** The Gemara asks: **And anywhere that "Israel" is written,** are **gentiles not** included in that verse? **But** there is a counterexample in the verse written **with regard to** the *halakhot* of **valuations,**[B] **as it is written: "Speak to the children of Israel"** (Leviticus 27:2), **and it was taught** in a *baraita*: **The children of Israel can take a valuation vow**[H] **but gentiles cannot take a valuation vow.** If a gentile declares: I undertake to donate the value of so-and-so, his vow does not take effect.

HALAKHA

Gentiles do not have naziriteship – הַגּוֹיִם אֵין לָהֶם נְזִירוּת: The *halakhot* of naziriteship do not apply to gentiles, as the Torah begins the passage dealing with these *halakhot* (Numbers 6:2) with the phrase: "Speak to the children of Israel" (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:16).

Women and slaves – נָשִׁים וַעֲבָדִים: Women and Canaanite slaves can become nazirites (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:17).

As he may force his slave, etc. – שֶׁהוּא כּוֹפֶה אֶת עַבְדּוֹ וכו׳: A father or a husband can nullify the naziriteship of a daughter or wife, respectively, just as with her other vows. If he failed to nullify the naziriteship, he may not force her to transgress her vow. However, if upon hearing her vow, he acts in a manner that indicates his desire to nullify the vow, it serves as nullification. By contrast, a master may force his slave who has undertaken naziriteship to drink wine and to contract impurity imparted by a corpse (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:17; *Shulḥan Arukh*, *Yoreh De'a* 234:39).

Any mitzva that a woman is obligated in its performance – כָּל מִצְוָה שֶׁהָאִשָּׁה חַיֶּבֶת בָּהּ: A Canaanite slave is immersed in a ritual bath and is then obligated in those mitzvot that a woman must observe. Likewise, he is exempt from those mitzvot from which a woman is exempt (Rambam *Sefer Korbanot*, *Hilkhot Ḥagiga* 2:1; *Shulḥan Arukh*, *Yoreh De'a* 267:17).

The children of Israel can take a valuation vow – בְּנֵי יִשְׂרָאֵל מַעֲרִיכִין: Jews can take a valuation vow, but gentiles cannot. If a gentile says: I am obligated to give my value, or: I am obligated to give the value of so-and-so the Jew, his statement is of no consequence. However, a gentile's value may be used in a Jew's valuation vow, i.e., if a Jew declares: I am obligated to give the value of so-and-so the gentile, he must donate the gentile's value in accordance with the latter's gender and age.

This issue is the subject of a dispute between Rabbi Yehuda and Rabbi Meir, as Rabbi Yehuda claims that a gentile can valuate others but he cannot be valuated himself. The Rambam rules in accordance with the opinion of Rabbi Meir, because the Gemara states that his opinion is more reasonable. This consideration outweighs the principle that the *halakha* follows the opinion of Rabbi Yehuda in his disputes with Rabbi Meir (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 1:6).

NOTES

Force his slave – כּוֹפֶה אֶת עַבְדּוֹ: Even if a slave has taken a vow of naziriteship, his master may force him to drink wine, shave, or become ritually impure, and thereby to violate the terms of his vow. By contrast, if one fails to nullify his wife's vow at the appropriate time, he may not force her to transgress it at a later stage.

BACKGROUND

Valuations – עֲרָכִין: The *halakhot* of valuations are outlined in the Torah (Leviticus 27:1–8) and are clarified in tractate *Arakhin*. An *erekh*, valuation, is a special type of consecration, by which a fixed sum is given to the Temple treasury in accordance with the age and gender of the subject of the vow, and without regard for his importance or actual monetary worth as a slave. Valuation applies only to a whole person. Consequently, one who says: I am obligated in the valuation of my hand, has not said anything of consequence. However, one can vow and consecrate the monetary value of a hand or foot in and of itself to the Temple treasury, but this is not an aspect of the passage in the Torah addressing valuations. Notwithstanding the above distinction, if one valuates a part of the body upon which life depends, e.g., if he says: I am obligated in the valuation of my head, it is as though he valuated the entire individual, as one cannot live without a head.

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יָכוֹל לֹא יְהוּ נָעֳרָכִין – תַּלְמוּד לוֹמַר "אִישׁ"!

The *baraita* continues: One **might** have thought that this means that gentiles **cannot be** the subject **of a valuation** either, i.e., if a Jew says: I am obligated to give the value of so-and-so the gentile, his vow would not take effect. Therefore, **the verse states** the inclusive expression: "When **a man**[N] shall clearly utter a vow of persons to the Lord, according to your valuation" (Leviticus 27:2), to teach that in this regard, every "man," even a gentile, is included in *halakhot* of valuations. Inasmuch as the Torah also states with regard to a nazirite: "When a man or woman shall clearly utter a vow, the vow of a nazirite" (Numbers 6:2), perhaps one should include gentiles in the *halakhot* of naziriteship as well.

שָׁאנִי הָכָא, דְּאָמַר קְרָא "לְאָבִיו וּלְאִמּוֹ לֹא יִטַּמָּא" – בְּמִי שֶׁיֵּשׁ לוֹ אָב, יָצָא גּוֹי שֶׁאֵין לוֹ אָב. לְמַאי? אִילֵימָא לְעִנְיַן יְרוּשָּׁה – וְהָאָמַר רַבִּי חִיָּיא בַּר אָבִין אָמַר רַבִּי יוֹחָנָן: גּוֹי יוֹרֵשׁ אֶת אָבִיו דִּבְרֵי תוֹרָה, שֶׁנֶּאֱמַר "כִּי יְרֻשָּׁה לְעֵשָׂו נָתַתִּי אֶת הַר שֵׂעִיר".

The Gemara answers: **Here,** in the case of naziriteship, it **is different, as the verse states: "For his father, or for his mother,** for his brother, or for his sister, **he shall not defile himself"** (Numbers 6:7). From here it is derived that this mitzva applies only **to one who has a father.** This **excludes a gentile, who does not have a father.** The Gemara asks: With regard **to what** *halakha* does a gentile lack a father? **If we say** it is **with regard to inheritance, but didn't Rabbi Ḥiyya bar Avin say** that **Rabbi Yoḥanan said: A gentile inherits** the estate of **his father**[H] **by Torah law, as it is stated: "Because I have given Mount Seir to Esau as an inheritance"** (Deuteronomy 2:5)?

אֶלָּא: בְּמִי שֶׁמּוּזְהָר עַל כִּיבּוּד אָבִיו. מִי כְּתִיב "כַּבֵּד אָבִיךָ" גַּבֵּי נָזִיר? אֶלָּא, אֲמַר קְרָא "לְאָבִיו וּלְאִמּוֹ לֹא יִטַּמָּא" – בְּמִי שֶׁיֵּשׁ לוֹ טוּמְאָה,

Rather, this mitzva of naziriteship applies **to one who is warned concerning the honor of his father,** and as the mitzva to honor one's father does not apply to a gentile, it is as though he has no father. The Gemara asks: **Is it written: Honor**[N] **your father, in the context of a nazirite?** What is the connection between these two issues? **Rather, the verse states** with regard to a nazirite: **"For his father, or for his mother,** for his brother, or for his sister, **he shall not defile himself"** (Numbers 6:7), and it should be understood as referring **to one who has** the potential to become **ritually impure,**

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יָצָא גּוֹי שֶׁאֵין לוֹ טוּמְאָה. מְנָלַן דְּלֵית לְהוּ טוּמְאָה? דְּאָמַר קְרָא "וְאִישׁ אֲשֶׁר יִטְמָא וְלֹא יִתְחַטָּא וְנִכְרְתָה הַנֶּפֶשׁ הַהִיא מִתּוֹךְ הַקָּהָל" – בְּמִי שֶׁיֵּשׁ לוֹ קָהָל, יָצָא זֶה שֶׁאֵין לוֹ קָהָל.

which **excludes a gentile, who has no** potential to become **ritually impure.**[H] A gentile is not rendered impure even if he touches a corpse. An individual of this kind cannot become a nazirite. The Gemara asks: **From where do we** derive **that** gentiles **do not have** the ability to become **ritually impure?** It is **as the verse states** with regard to one who enters the Temple in a state of impurity: **"But the man who shall be impure and shall not purify himself, that soul shall be cut off from the midst of the assembly"** (Numbers 19:20). This indicates that the *halakhot* of ritual impurity apply only **to one who has** membership in the **assembly** of the Jewish people and **excludes this** gentile, **who has no** membership in the **assembly,** i.e., he is not part of the Jewish people.

מַמַּאי? דִּילְמָא כָּרֵת הוּא דְּלָא מִיחַיֵּיב, אֲבָל אִיטַּמּוּיֵי מִיטַּמּוּ. אָמַר קְרָא "וְהָזָּה הַטָּהוֹר עַל הַטָּמֵא". כָּל שֶׁיֵּשׁ לוֹ טָהֳרָה יֵשׁ לוֹ טוּמְאָה, וְכָל שֶׁאֵין לוֹ טָהֳרָה – אֵין לוֹ טוּמְאָה.

The Gemara asks: **From where** is it derived that this verse teaches that ritual impurity does not apply to a gentile at all? **Perhaps** the verse **is** referring merely to **excision from the World-to-Come** [***karet***], i.e., it is teaching **that he is not liable** to receive *karet* for entering the Temple when impure, **but** that perhaps a gentile **does become impure.** The Gemara answers that **the** previous **verse states: "And the pure** person **shall sprinkle upon the impure";** this indicates that **anyone who has** the possibility of attaining **ritual purity** by means of the waters of purification also **has** the potential for **ritual impurity, and anyone who does not have** the possibility of attaining **purity**[N] by means of the waters of purification **does not have** the potential for **impurity** either.

NOTES

The verse states, when a man – תַּלְמוּד לוֹמַר אִישׁ: Some commentaries explain that just as the term "man" serves to include gentiles with regard to one aspect of valuations, i.e., that they can be valuated like Jews, perhaps the term "man" stated with regard to a nazirite likewise serves to include a gentile in certain aspects of naziriteship, i.e., the prohibitions, even if his nazirite offerings are not accepted (Commentary on *Nazir*; *Tosafot*).

Is it written, honor – מִי כְּתִיב כַּבֵּד: The *halakhot* of inheritance are not connected to naziriteship either, and yet the Gemara did not raise this point when it discussed the issue of inheritance. The commentaries explain that paternity is inherently connected to inheritance, whereas honoring one's father is a special mitzva imposed by the Torah (*Tosafot*; Rosh).

HALAKHA

A gentile inherits the estate of his father – גּוֹי יוֹרֵשׁ אֶת אָבִיו: A gentile inherits his father's property by Torah law. As for the other *halakhot* of inheritance, gentiles may follow their own customs (Rambam *Sefer Mishpatim*, *Hilkhot Naḥalot* 6:9; *Shulḥan Arukh*, *Ḥoshen Mishpat* 283:1).

HALAKHA

A gentile, who has no potential to become ritually impure – גּוֹי שֶׁאֵין לוֹ טוּמְאָה: A gentile cannot become ritually impure nor impart impurity of any kind to others. However, the Sages decreed that in certain cases gentiles are considered impure, to ensure that Jews will avoid them with regard to those matters (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 1:13–14 and *Hilkhot Metamei Mishkav UMoshav* 2:10).

NOTES

Anyone who does not have the possibility of purity – וְכָל שֶׁאֵין לוֹ טָהֳרָה: The *halakhot* of ritual impurity do not apply to anyone who cannot be purified in a ritual bath or through the sprinkling of the ashes of the red heifer. Although the Gemara does not state how it is derived that ritual purity in general does not apply to a gentile, the early commentaries explain that this is learned from a verse that deals with the waters of purification: "And it shall be kept for the congregation of Israel for a water of sprinkling; it is a purification from sin" (Numbers 19:9). This verse indicates that the *halakha* of the waters of purification applies only to Jews, and the same applies to other methods of purification (*Tosafot*; Rosh).

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וְאֵימָא: טָהֳרָה הוּא דְּלָא הָוְיָא לֵיהּ, טוּמְאָה הָוְיָא לֵיהּ. אָמַר קְרָא ״וְאִישׁ אֲשֶׁר יִטְמָא וְלֹא יִתְחַטָּא״.

The Gemara asks: **But** one can **say** that **it is** only **purity** by means of the waters of purification **that he does not have,** but **he does have** the potential for **impurity.** The Gemara answers: It is for this reason that **the verse states: "But the man who shall be impure and shall not purify himself"** (Numbers 19:20), to teach that these two statuses are interdependent. One who cannot be purified by the waters of purification cannot become impure in the first place.

רַב אַחָא בַּר יַעֲקֹב אָמַר: שָׁאנֵי הָכָא, דְּאָמַר קְרָא ״וְהִתְנַחַלְתֶּם אֹתָם לִבְנֵיכֶם אַחֲרֵיכֶם״.

Rav Aḥa bar Ya'akov said a different reason why a gentile cannot become a nazirite, despite the fact that the term "man" does include gentiles in the case of valuations. **Here,** with regard to naziriteship, it **is different,**[N] **as** the verse prohibits a nazirite from becoming impure for his father and mother. This prohibition is not relevant for gentiles because **the verse states: "And you shall make them an inheritance for your children after you"** (Leviticus 25:46). This verse establishes a child as one to whom a person can bequeath his slaves, the subject of this verse.

כָּל שֶׁיֵּשׁ לוֹ נַחֲלָה – יֵשׁ לוֹ טוּמְאָה, וְכָל שֶׁאֵין לוֹ נַחֲלָה – אֵין לוֹ טוּמְאָה. אִי הָכִי עֲבָדִים נַמִּי לָא.

Rav Aḥa bar Ya'akov explains: This verse teaches that **anyone who has inheritance,** i.e., he has the ability to bequeath his slaves to his children, also **has** the status of a father with regard to **impurity,** and the verse prohibiting a nazirite from becoming impure to bury his father can be addressing him. **But anyone who does not have inheritance does not have** the status of a father with regard to **impurity.** Since a gentile cannot bequeath slaves to his child (see *Gittin* 38a), the status of a father with regard to impurity also does not apply to him. Consequently, the verse prohibiting a nazirite from becoming impure to bury his father cannot be addressing him. The Gemara asks: **If so, slaves should also not** be included in the *halakhot* of ritual impurity or naziriteship, as they too cannot bequeath slaves to their children.

אֶלָּא אָמַר רָבָא: בִּשְׁלָמָא גַּבֵּי עֲרָכִין, שֶׁנֶּאֱמַר ״בְּנֵי יִשְׂרָאֵל״ – בְּנֵי יִשְׂרָאֵל מַעֲרִיכִין, וְאֵין הַגּוֹיִם מַעֲרִיכִין. יָכוֹל לֹא יִהוּ נֶעֱרָכִין – תַּלְמוּד לוֹמַר ״אִישׁ״.

Rather, Rava said a different reason why a gentile cannot become a nazirite, even though he is included in the *halakhot* of valuations, and despite the fact that the term "man" appears in both passages. **Granted, with regard to valuations, as it is stated:** "Speak to **the children of Israel"** (Leviticus 27:2), one can derive that **the children of Israel can take a valuation vow but gentiles cannot take a valuation vow.** One **might** have thought that gentiles **cannot be valuated** either. Therefore, **the verse states: "Man"** (Leviticus 27:2), so as to include a gentile in only one aspect of the *halakhot* of valuations, i.e., that a gentile can be the subject of a valuation. This does not negate the derivation from "the children of Israel" that gentiles are generally excluded.

הָכָא, בְּנֵי יִשְׂרָאֵל נוֹזְרִין וּמְבִיאִין קָרְבָּן, וְאֵין הַגּוֹיִם נוֹזְרִין וּמְבִיאִין קָרְבָּן. יָכוֹל אַף לֹא יִהוּ נְזִירִין כְּלָל – תַּלְמוּד לוֹמַר ״אִישׁ״?

Rava continues his explanation: However, **here,** in the case of naziriteship, there is no possibility of interpreting the word "man" to include a gentile in only one aspect of the *halakhot* of naziriteship. Rava explains: If one would suggest the following derivation: From the phrase "the children of Israel" (Numbers 6:2) derive that **the children of Israel can** both **take a vow** of **naziriteship and bring** the nazirite **offering, but gentiles cannot** both **take a vow** of **naziriteship and bring** the nazirite **offering,** one **might** have thought that gentiles **cannot be nazirites at all;** therefore, **the verse states: "Man,"** which includes gentiles in one aspect of the *halakhot* of naziriteship, i.e., that they can become nazirites.

אָמְרִי: אִי מִשּׁוּם קָרְבָּן – לָאו מֵהָכָא נָפְקָא לֵיהּ, אֶלָּא מֵהָתָם: ״לְעֹלָה״, פָּרַט לִנְזִירוּת, דִּבְרֵי רַבִּי יוֹסֵי הַגְּלִילִי!

Rava continues his explanation: However, the Sages would **say** in response to this suggestion: **If** the phrase "the children of Israel" is written **due to** the need to exclude a gentile from bringing a nazirite **offering, one does not** need to **derive** this *halakha* **from here, and** this is because it is already derived **from there,** as a *baraita* teaches that the verse: "Any man from the house of Israel, or of the strangers in Israel, who sacrifices his offering, whether it be any of their vows, or any of their gift offerings, which are sacrificed to the Lord **as a burnt-offering"** (Leviticus 22:18), **excludes** a gentile from the offering of **naziriteship;** this is **the statement of Rabbi Yosei HaGelili.** Therefore, the phrase "the children of Israel" must exclude gentiles from the entire passage of naziriteship, and not just from bringing the offerings.

NOTES

Here it is different, etc. – שָׁאנֵי הָכָא וכו': The commentaries explain that the statement of Rav Aḥa bar Ya'akov refers back to the earlier claim that naziriteship does not apply to a gentile because he does not have a father with regard to inheritance. Although the Gemara already refuted this suggestion by pointing out that a gentile does inherit from his father, Rav Aḥa maintains that the fact that Jews alone can bequeath their slaves shows that the inheritance of a gentile is not a full inheritance. Some commentaries note that the reason why gentiles cannot bequeath their slaves is because they do not have full ownership of them, i.e., they do not own their bodies but merely maintain rights over them. Consequently, it might have been thought that this *halakha* has no bearing on their status with regard to inheritance. Nevertheless, the fact that the verse links this *halakha* to the issue of inheritance in general indicates that the concept of inheritance does not apply in full to gentiles (Rabbeinu Azriel, cited in *Shita Mekubbetzet*).

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אֵימָא: בְּנֵי יִשְׂרָאֵל נוֹזְרִין נְזִירוּת עוֹלָם, וְאֵין הַגּוֹיִם נוֹזְרִים נְזִירוּת עוֹלָם. יָכוֹל לֹא יְהוּ נְזִירִים – תַּלְמוּד לוֹמַר ״אִישׁ״. אָמַר רַבִּי יוֹחָנָן: מִי כְּתִיב נְזִיר עוֹלָם?

The Gemara asks: But it can still be argued that "the children of Israel" is excluding a gentile from only some aspects of naziriteship, as one can **say** that this phrase teaches that **the children of Israel can take a vow** of **permanent naziriteship, but gentiles cannot take a vow** of **permanent naziriteship,** and one **might** have thought that gentiles **cannot be nazirites** at all. **The verse** therefore **states: "Man,"** to teach that they can become nazirites. The Gemara answers: **Rabbi Yoḥanan said: Is it written: A permanent nazirite?** Since the verse does not specify a particular type of naziriteship, it excludes gentiles from all types.

אֵימָא: בְּנֵי יִשְׂרָאֵל מַדִּירִין בְּנֵיהֶם בָּנָזִיר, וְאֵין הַגּוֹיִם מַדִּירִין בְּנֵיהֶם בָּנָזִיר. יָכוֹל לֹא יְהוּ נְזִירִים – תַּלְמוּד לוֹמַר ״אִישׁ״. הָאָמַר רַבִּי יוֹחָנָן: הֲלָכָה הִיא בָּנָזִיר.

The Gemara offers another suggestion: But it can still be argued that "the children of Israel" is excluding a gentile from only some aspects of naziriteship, as one can **say** that this phrase teaches that **"the children of Israel" can vow** that **their** minor **sons be nazirites, but gentiles cannot vow** that **their** minor **sons be nazirites;** and one **might** have thought that gentiles **cannot be nazirites** at all. **The verse** therefore **states: "Man,"** to teach that they can become nazirites. The Gemara answers: **Didn't Rabbi Yoḥanan say** that the fact that a father can take a vow that his minor son will be a nazirite **is a *halakha*** transmitted to Moses at Sinai **with regard to a nazirite?** Since this *halakha* is not stated in the Torah, it cannot be excluded by a verse.

אֵימָא: בְּנֵי יִשְׂרָאֵל מְגַלְּחִין עַל נְזִירוּת אֲבִיהֶן, וְאֵין הַגּוֹיִם מְגַלְּחִין עַל נְזִירוּת אֲבִיהֶן.

The Gemara offers another suggestion: But it can still be argued that "the children of Israel" is excluding a gentile from only some aspects of naziriteship, as one can **say** that this phrase teaches that **"the children of Israel" can shave**[N] and cut their hair **by** means of the offerings of **their fathers' naziriteships, but gentiles cannot shave** and cut their hair **by** means of **their fathers' naziriteships.** In other words, if the father of a nazirite, who was himself a nazirite, died after having separated his nazirite offerings, the son is able to bring those offerings at the close of his own naziriteship.

NOTES

Say that the children of Israel can shave, etc. – אֵימָא בְּנֵי יִשְׂרָאֵל מְגַלְּחִין וכו': The suggestion of the Gemara that a gentile is excluded only from using his late father's offerings for his own naziriteship is puzzling, as everyone agrees that regardless of whether he can accept naziriteship upon himself, a gentile certainly cannot bring naziriteship offerings (see Rosh). Later authorities explain that although a gentile cannot bring nazirite offerings, he can bring voluntary offerings at the end of his period of naziriteship. It is therefore not unreasonable to suggest that the verse might be excluding a gentile from using his late father's offerings (see *Birkat Rosh* and *Meromei Sadeh*).

Perek **IX**
Daf **62** Amud **a**

יָכוֹל לֹא יְהוּ נְזִירִין – תַּלְמוּד לוֹמַר ״אִישׁ״! הָאִיתְּמַר, אָמַר רַבִּי יוֹחָנָן: הֲלָכָה הִיא בָּנָזִיר.

One **might** have thought that gentiles **cannot be nazirites** at all. **The verse** therefore **states: "Man,"** to teach that they can become nazirites. The Gemara answers: **Wasn't it stated** that **Rabbi Yoḥanan said** that the *halakha* that a son may use his father's nazirite offerings **is a *halakha*** transmitted to Moses at Sinai **with regard to a nazirite?** Since this *halakha* does not appear in the Torah, the verse cannot be coming to exclude it.

אִי הָכִי: ״אִישׁ כִּי יַפְלִא נֶדֶר בְּעֶרְכְּךָ״ בַּעֲרָכִין לָמָּה לִי? מִכְּדִי, הָאִיתְּקַשׁ עֲרָכִין לִנְדָרִים, דְּאָמַר קְרָא ״אִישׁ כִּי יַפְלִא נֶדֶר בְּעֶרְכְּךָ״. וְהָתַנְיָא גַּבֵּי נְדָרִים: ״אִישׁ״ מַה תַּלְמוּד לוֹמַר ״אִישׁ אִישׁ״, לְרַבּוֹת אֶת הַגּוֹיִם שֶׁהֵן נוֹדְרִים נְדָרִים וּנְדָבוֹת כַּיִּשְׂרָאֵל.

§ The Gemara asks: **If so, why do I** need the verse: **"When a man shall clearly utter a vow** of persons to the Lord, **according to your valuation"** (Leviticus 27:2), stated **with regard to valuations,** from which it is derived that gentiles are included in the *halakhot* of valuations? **After all, aren't valuations juxtaposed to vows, as the verse states: "When a man shall clearly utter a vow** of persons to the Lord, **according to your valuation." And isn't it taught** in a *baraita* **with regard to** a verse dealing with **vows:** "Any **man** [***ish***] from the house of Israel, or of the strangers in Israel, who sacrifices his offering, whether it be any of their vows, or any of their gift offerings, which are sacrificed to the Lord as a burnt-offering" (Leviticus 22:18), **what** is the meaning when **the verse states** the extra emphasis: **"Any man** [***ish ish***]**"?** The *baraita* explains: This serves **to include the gentiles, that they can take a vow**[H] for **vow** offerings **and gift** offerings **like a Jew.** It can be derived from this juxtaposition that gentiles are included in the *halakhot* of valuations.

HALAKHA

Gentiles, that they can take a vow, etc. – הַגּוֹיִם שֶׁהֵן נוֹדְרִים וכו': Even idolatrous gentiles can vow and bring burnt-offerings to the Temple. However, they may not bring obligatory burnt-offerings or any other obligatory offering, e.g., sin-offerings or guilt-offerings, and also may not bring peace-offerings (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 3:2).

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״אִישׁ כִּי יַפְלִיא״ בַּעֲרָכִין לָמָּה לִי? אֶלָּא, הַאי ״אִישׁ״ מִיבָּעֵי לֵיהּ לְאִיתּוּיֵי מוּפְלָא סָמוּךְ לְאִישׁ.

The Gemara now restates its question: In that case, **why do I** need the phrase "**when a man shall clearly utter** a vow" stated **with regard to valuations? Rather, this** term, "**man,**" does not include gentiles, but is **necessary to include a minor one year before** he or she **reaches majority.**[H] If a minor takes a vow one year before coming of age, and shows a clear understanding of his statement, the vow takes effect. This individual is included in the *halakhot* of valuations as well.

הָנִיחָא לְמַאן דְּאָמַר מוּפְלָא סָמוּךְ לְאִישׁ דְּאוֹרַיְיתָא, אֶלָּא לְמַאן דְּאָמַר דְּרַבָּנַן: ״אִישׁ כִּי יַפְלִיא״ לָמָּה לִי? לְאִיתּוּיֵי מוּפְלָא סָמוּךְ לְאִישׁ דְּגוֹי.

The Gemara comments: **This works out well according to the one who says** that **a minor one year before** he or she **reaches majority** must fulfill his or her vows **by Torah law,**[H] because the verse serves as the source for this *halakha*. **However, according to the one who says** that this *halakha* applies **by rabbinic law,**[N] **why do I** need the verse "**when a man shall clearly utter** a vow"? The Gemara answers: The verse serves **to include a minor one year before** he or she **reaches majority who is a gentile,** that this *halakha* applies to gentiles by Torah law.

הָנִיחָא לְמַאן דְּאָמַר בְּנֵי יִשְׂרָאֵל נֶעֱרָכִין וְאֵין הַגּוֹיִם נֶעֱרָכִין, יָכוֹל לֹא יְהוּ מַעֲרִיכִין – תַּלְמוּד לוֹמַר ״אִישׁ״. שַׁפִּיר.

The Gemara comments: **This works out well according to the one who says** that it is inferred from the phrase: "The children of Israel" (Leviticus 27:2), that **Jews can be valuated but gentiles cannot be valuated;** and one **might** have thought that gentiles **cannot take a valuation vow.** Therefore, **the verse states: "Man."** According to this opinion it is **fine,** as the phrase "when a man shall clearly utter a vow" can teach that if a gentile close to adulthood grasps the meaning of vows, he can take a valuation vow.

אֶלָּא לְמַאן דְּאָמַר בְּנֵי יִשְׂרָאֵל מַעֲרִיכִים, וְאֵין הַגּוֹיִם מַעֲרִיכִים, יָכוֹל לֹא יְהוּ נֶעֱרָכִין – תַּלְמוּד לוֹמַר ״אִישׁ״. אֲפִילּוּ תִּינוֹק בֶּן חֳדֶשׁ בַּר עֵירוּבֵי הוּא: ״כִּי יַפְלִיא״ לָמָּה לִי?

However, according to the one who says that **the children of Israel can take a valuation vow but gentiles cannot take a valuation vow,**[H] one **might** have thought that gentiles **cannot be valuated;** therefore, **the verse states** the additional term: **"Man,"** to teach that anyone, **even a month-old baby,**[H] **can be valuated** according to the assigned value stated in the Torah. According to this opinion, it is of no importance how old the subject of the vow is, and therefore the verse clearly cannot be including a gentile on the verge of adulthood. Consequently, the question remains: **Why do I** need the phrase "**when** a man **shall clearly utter** a vow"?

אָמַר רַב אַדָּא בַּר אַהֲבָה: לְאִיתּוּיֵי גּוֹי גָּדוֹל, דְּאַף עַל גַּב דְּגָדוֹל הוּא אֵינוֹ יוֹדֵעַ לְהַפְלוֹת.

Rav Adda bar Ahava said: The verse is referring to all vows, and serves **to include,** i.e., to teach, the *halakha* of a type of **adult gentile, who although he is an adult he does not know** how **to clearly utter** a vow. The verse teaches that his vows are invalid, as derived from the phrase "when a man shall clearly vow." Vows of a gentile are valid only if he can express them clearly.

אֶלָּא ״כִּי יַפְלִיא״ דְּכָתַב רַחֲמָנָא גַּבֵּי נְזִירוּת, לָמָּה לִי? מִכְּדִי הָאִיתְקַשׁ נְזִירוּת לִנְדָרִים: ״כִּי יַפְלִיא״ לָמָּה לִי?

Having clarified the verse concerning valuations, the Gemara asks: **However,** concerning the verse: "**When** a man or woman **shall clearly utter** a vow" (Numbers 6:2), **which the Merciful One writes with regard to naziriteship, why do I** need it? **After all, isn't** the *halakha* of **naziriteship juxtaposed to vows; why do I** need the verse "**when** a man or woman **shall clearly utter"?**

HALAKHA

A minor one year before he or she reaches majority – מוּפְלָא סָמוּךְ לְאִישׁ: The vows and consecrations of a boy or girl who is in the year before reaching majority and who understands the nature of vows are valid, as are those of one who has reached the age of adulthood who lacks this understanding, even if he or she has not reached maturity through the appearance of two pubic hairs. Such people are obligated to fulfill all their vows, including vows of naziriteship. They can also separate *terumot* and tithes from produce. Similarly, their dedications to the Temple treasury take effect and they are obligated to give any valuations they undertake (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:1–4, *Hilkhot Nezirut* 2:13, and *Hilkhot Arakhin VaḤaramim* 1:15; *Sefer Zera'im*, *Hilkhot Terumot* 4:5; *Shulḥan Arukh*, *Yoreh De'a* 233:1).

A minor one year before he or she reaches majority, by Torah law – מוּפְלָא סָמוּךְ לְאִישׁ דְּאוֹרַיְיתָא: The vows and consecrations of a minor one year before he or she reaches majority are valid by Torah law. *Amora'im* engage in a dispute with regard to this issue in tractate *Nidda* (46b), and the *halakha* is in accordance with the opinions of Rabbi Yoḥanan and Reish Lakish (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 11:1 and *Sefer Zera'im*, *Hilkhot Terumot* 4:5).

But gentiles cannot take a valuation vow – וְאֵין הַגּוֹיִם מַעֲרִיכִים: A gentile can be valuated but cannot take a valuation vow. How so? If a gentile said: I am obligated to give my value, or: I am obligated to give the value of this Jew, his statement is of no consequence. However, if a Jew said: I am obligated to give the value of this gentile, he must give the gentile's value according to his age and gender, as specified in the Torah. The *halakha* is in accordance with the opinion of Rabbi Meir, as the Gemara considers his explanation the more reasonable one. The Ra'avad rules that a gentile can take a valuation vow but cannot be valuated, in accordance with the opinion of Rabbi Yehuda rather than that of Rabbi Meir (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 1:6 and *Kesef Mishne* there).

Even a month-old baby, etc. – אֲפִילּוּ תִּינוֹק בֶּן חֹדֶשׁ וכו': The value of a male between the ages of thirty-one days and five years is five *sela*, while a female of the same age group is valuated at three *sela*, as specified in the Torah (Rambam *Sefer Hafla'a*, *Hilkhot Arakhin VaḤaramim* 1:3).

NOTES

However, according to the one who says this applies by rabbinic law, etc. – אֶלָּא לְמַאן דְּאָמַר דְּרַבָּנַן וכו': The conclusion of this discussion is that even according to those who maintain that a Jew one year before he or she reaches majority can take a vow by rabbinic law, a gentile in the same age category must observe his vows by Torah law. The early commentaries ask how a gentile could be obligated by Torah law in a situation where a Jew is exempt. The Commentary on *Nazir* explains that there are in fact many cases in which the Torah is more stringent with gentiles than with Jews, e.g., with regard to the *halakhot* of damages (see *Bava Kamma* 37b).

Others explain that the vow of a minor Jew does not take effect because the prohibition against delaying the fulfillment of one's vow does not apply to a Jew until he reaches the age of maturity. By contrast, this prohibition does not apply to gentiles at all, and therefore there is no reason to distinguish between an adult and a minor gentile (*Tosafot*; Rosh).

There is another opinion that the entire difference between an adult and a minor applies only to Jews, as the Torah imposed special *halakhot* that go into effect only when one comes of age. However, with regard to gentiles the change from being a minor to being an adult depends only on the intellectual capacity of the individual in question. Since an intelligent person who is almost an adult understands what he is doing, his vow is effective (*Keren Ora*).

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לְאִיתוּיֵי יָדִים שֶׁאֵינָן מוֹכִיחוֹת. דְּאִיתְּמַר, יָדִים שֶׁאֵינָן מוֹכִיחוֹת; אַבַּיֵי אָמַר: הָוְיִין יָדִים, וְרָבָא אָמַר: לָא הָוְיִין יָדִים. לְאַבַּיֵי – נִיחָא, אֶלָּא לְרָבָא מַאי אִיכָּא לְמֵימַר?

The Gemara answers: This verse serves **to include** the case of one who vowed by means of **ambiguous intimations,**[N] i.e., he expressed only part of the formula of the vow, so that his meaning is unclear. **As it was stated** that *amora'im* had a dispute with regard to this issue: With regard to **ambiguous intimations,**[H] **Abaye said** that **they are** considered **intimations** to vows, and the vows take effect, and **Rava said** that **they are not** considered **intimations** to vows, and the vows do not take effect. **According to** the opinion of **Abaye,** this answer **works out well,** as the phrase "when a man shall clearly utter," serves to include all pronouncements indicative of vows, even ambiguous intimations. **However, according to** the opinion of **Rava, what is there to say?**

אֶלָּא: ״כִּי יַפְלִיא״ מִיבָּעֵי לֵיהּ לְכִדְרַבִּי טַרְפוֹן. דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר מִשּׁוּם רַבִּי טַרְפוֹן: אֵין אֶחָד מֵהֶן נָזִיר, לְפִי שֶׁלֹּא נִיתְּנָה נְזִירוּת אֶלָּא לְהַפְלָאָה. הָנִיחָא לְרַבִּי טַרְפוֹן, אֶלָּא לְרַבָּנַן מַאי אִיכָּא לְמֵימַר?

Rather, the Gemara explains that the phrase "**when** a man or woman **shall clearly utter**" is **necessary for that** which was stated **by Rabbi Tarfon, as it is taught** in the *Tosefta* (3:19) that **Rabbi Yehuda said in the name of Rabbi Tarfon:** If several people took a vow of naziriteship as part of a wager with regard to an uncertain occurrence, **not one of** them is **a nazirite, as naziriteship is imposed** upon someone **only if** his vow is **explicitly** enunciated. That is, one is a nazirite only if he vows in a definitive manner, not if there was any uncertainty involved. The Gemara asks: **This works out well according to** the opinion of **Rabbi Tarfon. However,** according **to** the opinion of **the Rabbis,** who disagree with his ruling, **what is there to say?**

אֶלָּא, מִיבָּעֵי לֵיהּ לְכִדְתַנְיָא: הָיְתֵר נְדָרִים פּוֹרְחִין בָּאֲוִיר וְאֵין לָהֶן עַל מַה שֶּׁיִּסָּמְכוּ.

Rather, the phrase "when a man or woman shall clearly utter" is **necessary for that which is taught** in a *baraita*: The *halakhot* of **dissolution of vows,** namely that one may request from a halakhic authority to dissolve them, **fly in the air**[H] **and have nothing to lean upon,** i.e., these *halakhot* are not mentioned explicitly in the Torah.

רַבִּי אֱלִיעֶזֶר אוֹמֵר: יֵשׁ לָהֶם עַל מַה שֶּׁיִּסָּמְכוּ, שֶׁנֶּאֱמַר ״אִישׁ כִּי יַפְלִא״ ״כִּי יַפְלִא״ שְׁתֵּי פְּעָמִים, אֶחָד הַפְלָאָה לְאִיסּוּר, וְאֶחָד הַפְלָאָה לְהֶיתֵּר.

Rabbi Eliezer says: The *halakhot* of dissolution of vows **have** a basis **upon which to lean, as it is stated: "When a man shall clearly utter** a vow" (Leviticus 27:2) and: "**When** a man or woman **shall clearly utter** a vow" (Numbers 6:2), **twice. One explicit utterance is for prohibition,**[N] i.e., when one takes a vow, he is bound to keep it, **and one explicit utterance is for dissolution,**[NH] i.e., in the event that he provides a halakhic authority with a reason why the vow should no longer apply, the vow can be dissolved and he will no longer be bound by it. This is an allusion in the Torah for the dissolution of vows.

NOTES

To include…intimations, etc. – לְאִתּוּיֵי יָדִים וכו': According to some commentaries, the verse teaches that even vows with ambiguous intimations are nevertheless considered vows. If so, the phrase "when a man shall clearly utter a vow" indicates that provided that one pronounces a vow, even if his meaning is ambiguous, it still takes effect. Others explain this in the opposite manner. They claim that the term: To include, is a term of exclusion. Consequently, ambiguous intimations are not considered intimations to vows, because they do not constitute the requisite clear enunciation of a vow (*Tosafot*). To a great extent this issue depends on the different versions of the opinions of Abaye and Rava, as discussed by the early commentaries.

One explicit utterance is for prohibition – אֶחָד הַפְלָאָה לְאִיסּוּר: This refers to someone who does not regret his vow, whose vow is therefore not dissolved (Commentary on *Nazir*). Alternatively, it means that one is required to express his vow clearly, so that it accords with his intention (Meiri).

And one explicit utterance is for dissolution – וְאֶחָד הַפְלָאָה לְהֶיתֵּר: This refers to one who regrets having uttered the vow (Commentary on *Nazir*). The idea is that if he regrets his vow it is not considered to be clearly expressed, as his intentions no longer correspond to his vow. Some commentaries state that this explicit utterance refers to the clarification of one's vow in the presence of a halakhic authority, when the one who took the vow requests its dissolution (*Shita Mekubbetzet*).

HALAKHA

Ambiguous intimations – יָדִים שֶׁאֵינָן מוֹכִיחוֹת: With regard to the intimations of vows, i.e., incomplete expressions whose meaning can be inferred from the context, if one's intention is somewhat evident from the statement itself, it is a valid vow. If the meaning of the words is ambiguous, the vow does not take effect, in accordance with the opinion of Rava. The early commentaries dispute the precise meaning of the concept of ambiguous intimations (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 1:23; *Shulḥan Arukh, Yoreh De'a* 206:1).

***Halakhot* of dissolution of vows fly in the air – הֶיתֵּר נְדָרִים פּוֹרְחִין בָּאֲוִיר:** The *halakha* that vows can be dissolved by halakhic authorities has no explicit source in the Torah, but is a *halakha* transmitted to Moses from Sinai. However, the Sages find an allusion to this *halakha* in the verse (Numbers 30:3): "He shall not profane his word" (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 6:2).

And one explicit utterance is for dissolution – וְאֶחָד הַפְלָאָה לְהֶיתֵּר: One may request the dissolution of valuations and dedications to the Sanctuary, just like other vows (Rambam *Sefer Hafla'a, Hilkhot Arakhin VaḤaramim* 1:17).

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מתני׳ חוֹמֶר בַּעֲבָדִים מִבִּנָשִׁים, שֶׁהוּא מֵפֵר נִדְרֵי אִשְׁתּוֹ וְאֵינוֹ מֵפֵר נִדְרֵי עַבְדּוֹ. הֵפֵר לְאִשְׁתּוֹ – הֵפֵר עוֹלָמִית, הֵפֵר לְעַבְדּוֹ – יָצָא לְחֵירוּת וּמַשְׁלִים נְזִירוּתוֹ.

MISHNA The previous mishna taught that the naziriteship of women includes a stringency that does not apply to slaves. This mishna adds: There is a greater **stringency in** the case of **slaves**[N] **than in** the case of **women, as** a man **can nullify the vows of his wife**[H] **but he cannot nullify the vows of his slave,**[H] despite the fact that he can prevent him from fulfilling them in practice. Similarly, if **he nullified** the naziriteship **of his wife it is permanently nullified,**[H] and it remains nullified even if she is later divorced or widowed. Conversely, if **he nullified** the naziriteship **of his slave** by forcing him to violate the terms of his vow of naziriteship, when the slave **is emancipated he completes his naziriteship.**[H]

גמ׳ תָּנוּ רַבָּנַן: לָמָּה רַבּוֹ כּוֹפוֹ – לִנְזִירוּת, אֲבָל לֹא לִנְדָרִים וְלַעֲרָכִין.

GEMARA **The Sages taught** (*Tosefta* 6:4): With regard **to what** matter can **his master force** a slave? **With regard to naziriteship. However,** he **cannot** force his slave in the case **of** other **vows and valuations.** This *baraita* is apparently saying that a master cannot prevent his slave from fulfilling the terms of a vow.

מַאי שְׁנָא גַּבֵּי נָזִיר – דְּאָמַר רַחֲמָנָא ״לֶאֱסֹר אִסָּר עַל נַפְשׁוֹ״ – בְּמִי שֶׁנַּפְשׁוֹ קְנוּיָה לוֹ, יָצָא עֶבֶד שֶׁאֵין נַפְשׁוֹ קְנוּיָה לוֹ. אִי הָכִי אֲפִילּוּ גַּבֵּי נְדָרִים נַמִי!

The Gemara asks: **What is different with regard to a nazirite** that a master can force his slave to transgress his naziriteship, **as the Merciful One states: "To bind his soul with a bond"** (Numbers 30:3), from which it is inferred that the Torah is referring only **to one whose soul is in his possession,** i.e., who is not owned by another; this **excludes a slave, whose soul is not in his possession** because he is under his master's control. **If so,** then **even with regard to vows** that same *halakha* should apply **as well,** as that verse is written in the context of vows in general, not specifically vows of naziriteship. Why is a master unable to compel his slave to break a vow?

אֲמַר רַב שֵׁשֶׁת: הָכָא בְּמַאי עָסְקִינַן – כְּגוֹן שֶׁהָיָה אֶשְׁכּוֹל שֶׁל עֲנָבִים מוּנָּח לְפָנָיו; גַּבֵּי נְדָרִים, דְּכִי מִיתְסַר בְּהַאי לָא מִיתְסַר בְּאַחֲרִינִי – לָא מָצֵי כָּפֵי לֵיהּ.

Rav Sheshet said: With what are we dealing here? With a case **where a cluster of grapes was placed before** the slave and he vowed not to derive benefit from it. **With regard to vows, when** he **is prohibited from** eating **this** cluster he **is not rendered prohibited from** eating **others;** therefore, the master **cannot force him**[N] to eat it, as he has no reason to insist that the slave consume this particular cluster of grapes.

גַּבֵּי נְזִירוּת, דְּכִי מִיתְסַר בְּהַאי אִיתְסַר בְּכוּלְּהוּ – מָצֵי כָּפֵי לֵיהּ. וְגַבֵּי נְדָרִים, מִי לָא עָסְקִינַן דְּלֵיכָּא אֶלָּא הַאי אֶשְׁכּוֹל, דְּאִי לָא אָכֵיל לֵיהּ חֲלִישׁ?

By contrast, **with regard to naziriteship, when** he **is prohibited from** eating **this** cluster he **is rendered prohibited from** consuming **all others;** therefore, the master **can force him** to eat. This is because the lack of food weakens the slave, who is the property of his master. The Gemara asks: **And with regard to vows, are we not dealing** even with a situation **where he has only this cluster** before him and he vows not to eat it, in **which** case **if he does not eat it he is weakened?** Why can't the master compel him to eat the grapes in this case?

אֶלָּא אֲמַר רָבָא: כְּגוֹן שֶׁהָיָה חַרְצָן מוּנָּח לְפָנָיו; גַּבֵּי נְדָרִים – בְּהַאי הוּא דְּמִיתְסַר, לָא מָצֵי כָּפֵי לֵיהּ. גַּבֵּי נָזִיר, דְּאִיתְסַר נַמִי בְּאַחֲרִינִי – מָצֵי כָּפֵי לֵיהּ.

Rather, Rava said that the difference between vows of naziriteship and other vows concerns a case **where there was a grape seed,** which provides only negligible nourishment, that was **placed before** the slave, and he vowed not to eat it. **With regard to vows,** concerning **which he is prohibited to** eat only **this** one seed, the master **cannot force him** to eat it, as refraining from eating a grape seed would not weaken him. **With regard to a nazirite, who is prohibited from** consuming **other** grape products **as well,** the master **can force him.**

וְגַבֵּי נְדָרִים, מִי לָא עָסְקִינַן דְּלֵיכָּא אֶלָּא הַאי חַרְצָן, דְּאִי לָא אָכֵיל לֵיהּ חֲלִישׁ?

The Gemara again asks: **And with regard to vows, are we not dealing** even with a situation **where he has only this grape seed** in front of him, in **which** case **if he does not eat it he would be weakened?** Why, then, can the master compel him to violate only his naziriteship vow but not a regular vow?

NOTES

A stringency in the case of slaves – חוֹמֶר בַּעֲבָדִים: The commentaries state that this mishna can be explained in two ways. It is possible that its second part serves to explain the first statement. A husband can nullify his wife's vows so that they no longer exist, even if she later leaves his jurisdiction. In the case of a slave, however, the fact that a master can force his slave to break his vow does not mean he has nullified it; he has merely suspended its observance temporarily. Consequently, if the slave is emancipated he must fulfill his vow. According to this interpretation, the mishna repeats some information, at least with regard to a wife.

Alternatively, one can explain that the first part of the mishna is not referring to naziriteship after the wife or slave leaves his jurisdiction, but while they are still under his authority. If so, the mishna is teaching that a husband cannot reinstate his wife's naziriteship after he has nullified it, whereas in the case of a slave the master can always stop requiring the slave to violate his naziriteship, which would again render the slave obligated in naziriteship (Rosh).

Cannot force him – לָא מָצֵי כָּפֵי לֵיהּ: Likewise, a husband cannot nullify a vow of this kind uttered by his wife, as it is not in the category of vows of affliction (see *Nedarim* 79a); she could eat some other cluster of grapes (Commentary on *Nazir*).

HALAKHA

As he can nullify the vows of his wife – שֶׁהוּא מֵפֵר נִדְרֵי אִשְׁתּוֹ: A father can nullify the vows of his daughter, and a husband can nullify those of his wife, including vows of naziriteship (Rambam *Sefer Hafla'a*, *Hilkhot Nedarim* 12:1 and *Hilkhot Nezirut* 2:17; *Shulḥan Arukh*, *Yoreh De'a* 234:2, 37).

But he cannot nullify the vows of his slave – וְאֵינוֹ מֵפֵר נִדְרֵי עַבְדּוֹ: A master cannot nullify the vows of his slave (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:17–18).

If he nullified the naziriteship of his wife, it is permanently nullified – הֵפֵר לְאִשְׁתּוֹ הֵפֵר עוֹלָמִית: A husband can nullify vows of affliction taken by his wife. If he does so they are permanently nullified, and she does not have to observe them even after she has left his jurisdiction. By contrast, while he can also nullify those vows of his wife that impinge on their personal relationship, such vows are nullified only for the duration of their marriage (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 12:2, 3; *Shulḥan Arukh*, *Yoreh De'a* 234:55).

If he nullified the naziriteship of his slave, when he is emancipated he completes his naziriteship – הֵפֵר לְעַבְדּוֹ, יָצָא לְחֵירוּת וּמַשְׁלִים נְזִירוּתוֹ: According to the Rambam, if a slave took a vow of naziriteship and his master said to him: It is nullified for you, the slave is emancipated and he must complete his naziriteship. However, the Ra'avad maintains that the declaration itself does not emancipate the slave, and he must complete his vow in the event that he does gain his freedom (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:18, and *Kesef Mishne* there, and *Sefer Kinyan*, *Hilkhot Avadim* 8:17; *Shulḥan Arukh*, *Yoreh De'a* 267:72).

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אֶלָּא אָמַר אַבַּיֵי: לָמָּה רַבּוֹ צָרִיךְ לְכִפּוֹתוֹ – לִנְזִירוּת, וְאֵין צָרִיךְ לְכִפּוֹתוֹ לִנְדָרִים, וְאֵינוֹ צָרִיךְ לְכִפּוֹתוֹ לִשְׁבוּעָה.

Rather, Abaye said that the *baraita* does not in fact list cases in which a master can compel his slave to violate his vow, but rather means the following: **With regard to what** situation **is a master** who wants to negate his slave's vow **required to force** his slave to violate his vow by stating explicitly that he does not want him to fulfill it? It is the case **of** a vow of **naziriteship.**[H] **But he is not required to force him in** the case of other **vows**[N] **and he is not required to force him in** the case of **an oath,**[H] as these do not take effect at all.

מַאי טַעְמָא – דְּאָמַר קְרָא ״לְהָרַע אוֹ לְהֵיטִיב״ מָה הֵטָבָה רְשׁוּת – אַף הֶרָעָה רְשׁוּת, יָצָא לְהָרַע לַאֲחֵרִים שֶׁאֵין הָרְשׁוּת בְּיָדוֹ.

What is the reason for this? It is **as the verse states** with regard to oaths: "Or if anyone swear clearly with his lips **to do evil, or to do good**" (Leviticus 5:4). **Just as** the **"good"** mentioned in this verse is referring to **a voluntary** action, **so too** the **"evil"** is **voluntary,** e.g., if he takes an oath not to derive benefit from an item. This **excludes** a slave, whose oath or vow **would cause evil to others, as it is not in his power** to affect his master adversely. Therefore, his statement is invalid. Here too, as the owner will suffer if his slave's diet is restricted, a slave may not accept a vow or an oath upon himself.

מתני׳ עָבַר מִכְּנֶגֶד פָּנָיו, רַבִּי מֵאִיר אוֹמֵר: לֹא יִשְׁתֶּה, וְרַבִּי יוֹסֵי אוֹמֵר: יִשְׁתֶּה.

MISHNA In a case where a slave took a vow of naziriteship but was prevented by his master from fulfilling the terms of his vow, the Sages engaged in a dispute what the *halakha* would be if he permanently **left his** master's **presence,**[H] i.e., he ran away without being emancipated. **Rabbi Meir says: He may not drink** wine. Since the slave is free in practice, his vow goes into effect. **And Rabbi Yosei says: He may drink** wine, as he is not emancipated.

גמ׳ לֵימָא בְּדִשְׁמוּאֵל קָמִיפַּלְגִי, דְּאָמַר שְׁמוּאֵל: הַמַּפְקִיר עַבְדּוֹ – יָצָא לְחֵירוּת, וְאֵין צָרִיךְ גֵּט שִׁיחְרוּר.

GEMARA The Gemara suggests: **Shall we say** that Rabbi Meir and Rabbi Yosei **disagree with regard to** the following statement **of Shmuel? As Shmuel said:** With regard to one **who renounces ownership of his slave,**[H] the slave **is emancipated, and he does not require a bill of manumission.** This *halakha* indicates that if a slave is free in practice, he no longer requires a bill of manumission but is automatically considered a freeman.

רַבִּי מֵאִיר – אִית לֵיהּ דִּשְׁמוּאֵל, רַבִּי יוֹסֵי – לֵית לֵיהּ דִּשְׁמוּאֵל?

The Gemara asks: If so, should one say that **Rabbi Meir is of** the opinion that the ruling is in accordance with the opinion **of Shmuel,** and therefore the slave is obligated in naziriteship as soon as he runs away, like any other freed slave, and **Rabbi Yosei is of** the opinion that the ruling is **not** in accordance with the opinion **of Shmuel?**

לָא, דְּכוּלֵּי עָלְמָא אִית לְהוּ דִּשְׁמוּאֵל. אֶלָּא, מַאן דְּאָמַר יִשְׁתֶּה – סָבַר: סוֹף סוֹף מִיהַדַּר הָדַר וְאָתֵי גַּבֵּיהּ, לִישְׁתֵּי חַמְרָא כִּי הֵיכִי דְּלָא לִיכְחוֹשׁ. וּלְמַאן דְּאָמַר לֹא יִשְׁתֶּה – סָבַר: לֵיהֱוֵי לֵיהּ צַעֲרָא, כִּי הֵיכִי דְּלִיהַדַּר גַּבֵּיהּ.

The Gemara rejects this suggestion: **No,** it is possible **that everyone is of** the opinion that the ruling is in accordance with the opinion **of Shmuel. Rather,** the mishna is referring to a case where the master refused to declare the runaway ownerless, and was intent on recovering him. Consequently, the slave is not in fact a freeman at all, and the *tanna'im* disagree with regard to the following: Rabbi Yosei, **the one who says** that **he may drink** wine, **maintains** that the slave **will ultimately return and come back to** his master, and therefore it is preferable for him **to drink wine so that he should not be weakened** by the time he returns. **And according to** Rabbi Meir, **the one who says** that **he may not drink** wine, he **maintains** that it is better that the slave **should suffer** by being deprived of wine, **so that he will return to** his master, as the desire to drink wine will spur him to return.

HALAKHA

A master required to force him, it is the case of a vow of naziriteship – רַבּוֹ צָרִיךְ לְכִפּוֹתוֹ לִנְזִירוּת: If a slave took a vow of naziriteship, his master may force him to drink wine or become impure to bury a corpse, and his vow is thereby negated. If the slave uttered any other vow of affliction or took a vow that would cause him to neglect his work, or if he vowed to give the value of another, the master does not have to compel him to violate its terms. The reason is that vows of this kind are automatically canceled (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:17–18).

And he is not required to force him in the case of an oath – וְאֵינוֹ צָרִיךְ לְכִפּוֹתוֹ לִשְׁבוּעָה: If a slave takes an oath, his master need not force him to transgress it, as the oath is automatically nullified (Rambam *Sefer Hafla'a*, *Hilkhot Shevuot* 12:6).

If he left his presence – עָבַר מִכְּנֶגֶד פָּנָיו: If a slave took a vow of naziriteship and permanently left his master's presence, it is prohibited for him to drink wine, so that his discomfort will cause him to return to his master. This *halakha* is in accordance with the opinion of Rabbi Meir. The Ra'avad disagrees, in keeping with the principle that the *halakha* is in accordance with the opinion of Rabbi Yosei in his disputes with Rabbi Meir (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 2:19).

One who renounces ownership of his slave – הַמַּפְקִיר עַבְדּוֹ: One who renounces ownership of his slave has emancipated him, but the slave requires a bill of manumission before he can marry a Jew. The *halakha* is in accordance with the opinions of Rav and Rabbi Yoḥanan in tractate *Gittin* (39a) and not in accordance with the opinion of Shmuel (Rambam *Sefer Kinyan*, *Hilkhot Avadim* 8:13; *Shulḥan Arukh*, *Yoreh De'a* 267:64).

NOTES

But he is not required to force him in the case of other vows – וְאֵין צָרִיךְ לְכִפּוֹתוֹ לִנְדָרִים: The vows and oaths of a slave do not go into effect at all, and his master need not even register an objection. *Tosafot* maintain that the *baraita* does not include valuations because a master cannot in fact cancel them. The reason is that whether the slave owns the money now or intends to pay it after his release, the master loses nothing by his valuation (see Commentary on *Nazir*).

The early commentaries discuss why there should be any difference between naziriteship and other vows, in light of the fact that the verses that serve as the basis for this *halakha* speak of vows in general. Some contend that naziriteship is an especially powerful vow, as it is effective even with regard to matters that are not optional. For example, if one takes an oath to drink wine, thereby obligating himself to do so, and then takes a vow of naziriteship, the vow of naziriteship overrides the oath. Consequently, naziriteship takes effect even for a slave, unless the master objects (*Tosafot*). The early commentaries also point out that the vows and oaths of a slave are automatically canceled only if they are vows of affliction or would lead him to neglect his work. A master may not compel his slave to transgress any other kind of vow.

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מתני׳ נָזִיר שֶׁגִּילְּחַ וְנוֹדַע לוֹ שֶׁהוּא טָמֵא, אִם טוּמְאָה יְדוּעָה – סוֹתֵר, וְאִם טוּמְאַת תְּהוֹם – אֵינוֹ סוֹתֵר. אִם עַד שֶׁלֹּא גִּילְּחַ – בֵּין כָּךְ וּבֵין כָּךְ סוֹתֵר.

MISHNA With regard to **a nazirite who shaved** for the conclusion of his naziriteship, **and it** later **became known to him that** during his naziriteship **he was ritually impure**[H] from a corpse, **if** it was **a known impurity,** i.e., people were aware of the impurity when he became impure, **he negates** his entire naziriteship. **And if it was ritual impurity** imparted by a grave **in the depths,**[B] one that was unknown at the time, **he does not negate** his naziriteship. **If** he discovered he was impure **before he shaved, he negates** his naziriteship **in either case.**

כֵּיצַד? יָרַד לִטְבּוֹל בְּמְעָרָה וְנִמְצָא מֵת צָף עַל פִּי הַמְּעָרָה – טָמֵא. נִמְצָא מְשׁוּקָּע בְּקַרְקַע הַמְּעָרָה;

The mishna asks: **How** does one differentiate between a known and an unknown impurity? If a nazirite **descended to immerse in a cave, and a corpse was found floating at the mouth of the cave,** he is **impure,** as an openly visible corpse is a known impurity. What, then, is an impurity of the depths? This is referring to a case where the corpse **was found sunk into the ground of the cave** in such a manner that it was unknown.

יָרַד לְהָקֵר – טָהוֹר, לִיטָּהֵר מִטּוּמְאַת מֵת – טָמֵא, שֶׁחֲזְקַת טָמֵא – טָמֵא, וְחֲזְקַת טָהוֹר – טָהוֹר. שֶׁרַגְלַיִם לַדָּבָר.

However, even here the circumstances of the case must be taken into account. If one **descended** not descend to immerse himself in the water, as he was ritually pure, but **to cool** himself, he remains **pure.** If he was impure and entered the water **to purify himself from the impurity from a corpse,** he is **impure.** The reason is that something **that** has **the presumptive status of impurity** remains **impure, and** something that has **the presumptive status of purity** is **pure, as there is a basis for the matter.**[N] It is reasonable that items or people retain their presumptive status.[H]

גמ׳ מְנָא הָנֵי מִילֵּי? אֲמַר רַבִּי אֱלִיעֶזֶר: דְּאָמַר קְרָא ״וְכִי יָמוּת מֵת עָלָיו בְּפֶתַע פִּתְאֹם״. ״עָלָיו״ – בְּמִחְווֶרֶת לוֹ.

GEMARA The Gemara asks: **From where are these matters** derived, that there is a difference between known and unknown impurity? **Rabbi Eliezer said that the verse states** with regard to a nazirite: **“And if any man shall die very suddenly beside him”** (Numbers 6:9). The emphasis provided by the term **“beside him”** indicates **that** it is **clear to him** that he has become impure. However, one is not impure if the presence of the corpse is unknown.

רֵישׁ לָקִישׁ אֲמַר: אָמַר קְרָא ״כִּי יִהְיֶה טָמֵא לָנֶפֶשׁ אוֹ בְדַרֶךְ רְחֹקָה״ – כִּי דֶּרֶךְ, מַה דֶּרֶךְ בְּגָלוּי – אַף כָּל בְּגָלוּי.

Reish Lakish said a different source: **The verse states** with regard to the Paschal offering: “Any man of you **who shall be ritually impure due to a corpse or on a road far away”** (Numbers 9:10). The word “road” is juxtaposed in the verse to the term “ritually impure,” indicating that the impurity is **like a road. Just as a road is in the open, so too, every** impurity is **in the open.** It must be a known impurity.

וְאֶלָּא הָדְתְּנַן: אֵיזוֹהִי טוּמְאַת הַתְּהוֹם – כָּל שֶׁאֵינוֹ מַכִּירָהּ אֶחָד בְּסוֹף הָעוֹלָם, אֲבָל מַכִּירָהּ אֶחָד בְּסוֹף הָעוֹלָם – אֵין זוֹ טוּמְאַת הַתְּהוֹם.

The Gemara objects: **But** consider **that which we learned** in the *Tosefta* (*Zavim* 2:9): **Which is the ritual impurity** imparted by a grave **in the depths?**[H] It is impurity imparted by **any** corpse **of which no one is aware,** even **at the end of the earth.** This type of impurity is permitted for both a nazirite and one who sacrifices the Paschal offering. **However,** if even **one** person **is aware of it,** even **at the end of the earth, this is not impurity** imparted by a grave **in the depths.**

HALAKHA

A nazirite who shaved and it became known to him that he was ritually impure – נָזִיר שֶׁגִּילְּחַ וְנוֹדַע לוֹ שֶׁהוּא טָמֵא: In the case of a nazirite who discovered after shaving for his purity that he had contracted impurity during his naziriteship, if the impurity was known he negates his entire term of naziriteship, brings the offerings of impurity, counts his naziriteship afresh, and again brings his offerings of purity. If he became impure from impurity of the depths he does not negate his naziriteship (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 6:16).

Impurity of the depths – טוּמְאַת הַתְּהוֹם: If a nazirite who descended to immerse himself found a corpse floating in the place of his immersion, he is impure, as he is presumed to have come into contact with the corpse.

If he immersed himself, shaved for his impurity, counted his naziriteship of purity, and was then informed that there was a body sunk in the place of his immersion, he negates the entire period. The reason is that he retains the presumptive status of impurity he had before immersing. However, if he was ritually pure and descended only to cool off, he does not negate his naziriteship, as he retains his presumptive status of purity (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 6: 20).

Which is the ritual impurity in the depths – אֵיזוֹהִי טוּמְאַת הַתְּהוֹם: Ritual impurity imparted by a grave in the depths is impurity that is not known to anyone in the world (Rambam *Sefer Hafla’a*, *Hilkhot Nezirut* 6:18).

NOTES

As there is a basis for the matter – שֶׁרַגְלַיִם לַדָּבָר: Some commentaries explain that it is reasonable to establish each item in accordance with its presumptive status (Commentary on *Nazir*). Others add that the *halakha* learned by tradition of impurity of the depths is only with regard to one who was ritually pure (*Tosafot*).

BACKGROUND

Ritual impurity imparted by a grave in the depths – טוּמְאַת תְּהוֹם: This is a *halakha* that applies to a grave found in a place where people had no previous knowledge of its existence. If a nazirite passes over a grave of this kind unknowingly and becomes aware of its existence only after his nazirite vow is completed, he is not considered to have contracted ritual impurity. The same *halakha* applies if one on his way to perform the ritual of the Paschal offering traverses such a grave and becomes aware of it only after sacrificing his offering. It is a *halakha* transmitted to Moses from Sinai that the front-plate worn by the High Priest on his forehead atones for this unwitting transgression.

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בְּשִׁלְמָא לְמַאן דְּאָמַר כִּי דֶּרֶךְ – שַׁפִּיר, אֶלָּא לְמַאן דְּאָמַר בְּמִחְווֶרֶת לוֹ – כִּי מַכִּירָה אֶחָד בְּסוֹף הָעוֹלָם מַאי הֲוֵי?

The Gemara states its question: **Granted, according to the one who says** that this *halakha* is derived from the verse that states that ritual impurity is **like a road,** it is **fine,** as an item known to someone in the world can be compared to a road. **However, according to the one who says** that this *halakha* is derived from the term "beside him," i.e., it is referring **to** an impurity that is **clear to him, if one** person **at the** other **end of the earth is aware of** this impurity, **what of it?** It was unknown to the nazirite himself.

וְתוּ, הָא דְּתַנְיָא: הַמּוֹצֵא מֵת מוּשְׁכָּב לְרָחְבָּהּ שֶׁל דֶּרֶךְ, בִּתְרוּמָה – טָמֵא, בְּנָזִיר וּבַעֲשִׂיַּית פֶּסַח – טָהוֹר, מַאי שְׁנָא? אֶלָּא: טוּמְאַת הַתְּהוֹם גְּמָרָא גְּמִירִי לָהּ.

And furthermore, consider **that which is taught** in another *baraita* (*Tosefta*, *Zavim* 2:8): In the case of **one who finds a corpse lying** across **the width of a road,**[H] i.e., it had been buried there in such a way that it was impossible for the passerby to avoid becoming impure by passing over the corpse, then **with regard to *teruma*,** the passerby is **impure.** Therefore, if he is a priest, he may not eat *teruma*. However, **with regard to** both being **a nazirite and** being **one performing** the ritual of **the Paschal offering,** the passerby is **pure. What is different** about these situations? **Rather,** it must be that the *halakha* of **impurity** imparted by a grave **in the depths is learned as a tradition**[H] and not from the verses, which are cited merely in support.

"אִם עַד שֶׁלֹּא גִּילַּח" וכו'. מַאן תַּנָּא? אָמַר רַבִּי יוֹחָנָן: רַבִּי אֱלִיעֶזֶר הִיא, דְּאָמַר: תִּגְלַחַת מְעַכֶּבֶת.

§ The mishna taught that **if** a nazirite discovered he was ritually impure **before he shaved,** he negates his naziriteship even if he was rendered impure by impurity of the depths. The Gemara asks: **Who** is the *tanna* who **taught** this opinion? **Rabbi Yoḥanan says: It is Rabbi Eliezer, who says** that **shaving is indispensable**[H] to the completion of one's naziriteship. Consequently, if he discovered he was impure before he shaved, he became impure during his naziriteship, and he negates the period he has observed.

בָּעֵי רָמִי בַּר חָמָא: נִטְמָא בְּתוֹךְ מְלֹאת, וְנוֹדַע לוֹ לְאַחַר מְלֹאת, מַהוּ? בְּתַר יְדִיעָה אָזְלִינַן – וְיִדְיעָה אַחַר מְלֹאת הִיא, אוֹ לָא? וּלְמַאי – לְמִיסְתַּר.

Rami bar Ḥama raised a dilemma: What is the *halakha* with regard to one who **became impure during the full term** of the regular days of his naziriteship **but** his impurity **became known**[N] **to him** only **after the full term** but before he shaved? Perhaps **we go** according to his **knowledge, and it is** a case of **knowledge after the full term, or** perhaps the *halakha* is **not** determined by the time of his awareness but by the actual time of the impurity, which occurred during his naziriteship. The Gemara adds: **And with regard to what** issue was this dilemma raised? It was **with regard to** his possible **negation** of the period he observed as a nazirite: Does he negate his naziriteship, or is he considered to have contracted impurity after the completion of his term, in which case he need not start his naziriteship afresh?

Perek **IX**
Daf **63** Amud **b**

אֲמַר רָבָא, תָּא שְׁמַע: אִם עַד שֶׁלֹּא גִּילַּח – בֵּין כָּךְ וּבֵין כָּךְ סוֹתֵר. הֵיכִי דָּמֵי? אִי דְּאִיתְיְדַע לֵיהּ בְּתוֹךְ מְלֹאת – צְרִיכָא לְמֵימַר? אֶלָּא לָאו – לְאַחַר מְלֹאת, שְׁמַע מִינָּהּ.

Rava said: Come and **hear** a resolution to this dilemma from the mishna: **If** he discovered he was impure **before he shaved, he negates** the days of his naziriteship **in either case.** The Gemara seeks to clarify this: **What are the circumstances** of this case? When exactly did he find out about the impurity? **If** it **became known to him during the full term** of his naziriteship, **need this be said,** that he negates the previous days? After all, he has yet to complete his naziriteship vow. **Rather, is it not** referring to a case when the impurity was discovered **after the full term** of his naziriteship? **Conclude from** the mishna that he negates the days of his naziriteship even if he discovered the impurity after the completion of his term.

HALAKHA

One who finds a corpse lying across the width of a road – הַמּוֹצֵא מֵת מוּשְׁכָּב לְרָחְבָּהּ שֶׁל דֶּרֶךְ: With regard to one who crossed a path and later discovered that a corpse lay buried across its width, if this was a case of impurity of the depths he is pure with regard to the Paschal offering, even if the body is stretched over the entire width of the path. Consequently, he may slaughter the Paschal offering and eat it, unless it became known that he had definitely touched the corpse. However, his status is that of uncertain impurity with respect to partaking of *teruma*.

If the individual is a nazirite, he is pure even if the impurity was known, as it is a case of uncertain impurity in the public domain, unless it was impossible for him to have traversed the path without coming into contact with the corpse (Rambam). Some authorities maintain that even a nazirite is pure only in the case of an impurity of the depths (Ra'avad; see Radbaz). The *Kesef Mishne* claims that the Rambam had a different version of the Gemara here (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:18 and *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:11).

Learned as a tradition – גְּמָרָא גְּמִירִי לָהּ: The ruling that a nazirite who contracts ritual impurity imparted by a grave in the depths does not negate his naziriteship is a *halakha* learned by tradition (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:16).

It is Rabbi Eliezer who says shaving is indispensable – רַבִּי אֱלִיעֶזֶר הִיא דְּאָמַר תִּגְלַחַת מְעַכֶּבֶת: If the blood of a nazirite's offerings was sprinkled and then he discovered he had been rendered impure by impurity of the depths, it does not negate his naziriteship, even if he has yet to shave. The *halakha* is in accordance with the opinion of the Rabbis that shaving is not an indispensable part of the ritual, and contrary to the opinion of Rabbi Eliezer cited here (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:17).

NOTES

Became impure during the full term but it became known, etc. – נִטְמָא בְּתוֹךְ מְלֹאת וְנוֹדַע וכו': Some commentaries maintain that this inquiry refers only to impurity of the depths, which is why the Gemara asks whether he negates his naziriteship at all. If so, Rami bar Ḥama was unaware of the ruling of the mishna (Commentary on *Nazir*). Most commentaries claim that the question refers to all types of impurity, known or otherwise (see *Tosafot*). According to this opinion, Rami bar Ḥama does not entertain the possibility that the individual in question might not have to negate his naziriteship at all, as no one accepts that ruling. Rather, this passage serves as an opening to the ensuing discussion of the Gemara as to whether Rabbi Eliezer rules that he negates thirty days or merely seven, like one who became impure after the completion of his term.

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וַעֲדַיִין תִּיבָּעֵי לָךְ: כּוּלּוֹ סוֹתֵר אוֹ שִׁבְעָה סוֹתֵר? לְמַאן? אִילֵימָא לְרַבָּנַן – פְּשִׁיטָא דְּכוּלּוֹ סוֹתֵר, וְאִי לְרַבִּי אֱלִיעֶזֶר, כָּל אַחַר מִלְּאוֹת – שִׁבְעָה סוֹתֵר.

The Gemara continues to analyze the aforementioned case. **And you** can **still raise the dilemma:** Does **he negate** the **entire** period of his naziriteship **or** does **he negate** just **seven** days? The Gemara asks: **According to whom** is this dilemma raised? **If we say** this dilemma is referring **to** the opinion of **the Rabbis** (see 16b), **it is obvious that** he **negates it all,** as they maintain that even a nazirite who becomes impure after the completion of his naziriteship must observe another thirty days. **And if** it is referring **to** the opinion of **Rabbi Eliezer,** his ruling with regard to **any** impurity **after the full term** of his term is that one **negates** only **seven** days.

אָמַר לָךְ: הָנֵי מִילֵּי כִּי נִטְמָא אַחַר מִלְּאוֹת, וְהַאי לִפְנֵי מִלְּאוֹת הוּא. אוֹ דִילְמָא שָׁאנֵי הָכָא, דִּידִיעָה אַחַר מִלְּאוֹת הִיא?

The Gemara responds: The one who raised this dilemma could have **said to you: This statement** of Rabbi Eliezer that a nazirite negates a mere seven days applies only **if he became impure after the full term** of his naziriteship, **but this one** became impure **before** the end of **the full term,** and therefore he negates the entire period. **Or perhaps it is different here, as it is** a case of **knowledge** that came to light **after the full term** of his naziriteship.

וּמִינָּהּ, קָתָנֵי: בֵּין כָּךְ וּבֵין כָּךְ סוֹתֵר, וְלָא קָמִיפַּלְגִי.

The Gemara answers: **And** one can resolve the dilemma **from this**[N] mishna itself. The mishna **teaches** that if the nazirite discovered he was impure before he shaved **he negates** his naziriteship **in either case. And it does not distinguish** between cases where this happened before the end of the full term or after it. This indicates that in any case he negates only seven days.

תָּנוּ רַבָּנַן: הַמּוֹצֵא מֵת מוּטָּל לָרָחְבָּהּ שֶׁל דֶּרֶךְ, לִתְרוּמָה – טָמֵא, וּבְנָזִיר וּבְעוֹשֶׂה פֶּסַח – טָהוֹר. בַּמֶּה דְּבָרִים אֲמוּרִים – שֶׁאֵין לוֹ מָקוֹם לַעֲבוֹר,

§ **The Sages taught** (*Tosefta*, *Zavim* 2:8): In the case of **one who finds a corpse lying** across **the width of a road, with regard to *teruma*** the passerby is **impure. But with regard to** both **a nazirite and one performing** the ritual of **the Paschal offering,** the passerby is **pure,** as it is considered impurity imparted by a grave in the depths. **In what** case **is this statement said,** that one is impure with regard to partaking of *teruma*? It is said in a case **where he does not have space to pass by**[H] on the road without passing over the corpse.

אֲבָל יֵשׁ לוֹ מָקוֹם לַעֲבוֹר – אַף לִתְרוּמָה טָהוֹר.

But if **he has space to pass by,** then **even with regard to *teruma*** he is **pure.** This is because it is possible that the passerby did not become ritually impure, and there is a principle that if an uncertainty arises concerning the ritual purity of a person or item in the public domain, the person or item is considered pure.

בַּמֶּה דְּבָרִים אֲמוּרִים – שֶׁמְּצָאוֹ שָׁלֵם, אֲבָל מְשׁוּבָּר אוֹ מְפוֹרָק, אֲפִילּוּ אֵין מָקוֹם לַעֲבוֹר – חָיְישִׁינַן שֶׁמָּא בֵּין פִּרְקִין עָבַר. וּבַקֶּבֶר – אֲפִילּוּ מְשׁוּבָּר וּמְפוֹרָק טָמֵא, מִפְּנֵי שֶׁקֶּבֶר מְצָרְפוֹ.

Similarly, **in what** case **is this statement said?** It is said in a case **where one finds** the corpse **whole. However,** if it is **broken or dismembered** he is pure, **even** if **there is no space to pass by.** The reason is that **we suspect**[N] that **perhaps he passed between the parts** of the corpse and did not touch or pass over any of them. This applies when he finds the corpse out in the open. **But** if he finds it **in a grave, even** if it is **broken** or **dismembered,** he is **impure.** This is **because the grave joins** the parts into one unit and renders him impure if he passed over any part of the grave, even if he did not pass over part of the corpse.

בַּמֶּה דְּבָרִים אֲמוּרִים – בִּמְהַלֵּךְ בִּרְגָלָיו, אֲבָל טָעוּן אוֹ רָכוּב – טָמֵא, לְפִי שֶׁמְּהַלֵּךְ בִּרְגָלָיו אֶפְשָׁר לוֹ שֶׁלֹּא יִגַּע וְשֶׁלֹּא יָסִיט וְשֶׁלֹּא יְאַהִיל, טָעוּן אוֹ רָכוּב – אִי אֶפְשָׁר שֶׁלֹּא יִגַּע וְשֶׁלֹּא יָסִיט וְשֶׁלֹּא יְאַהִיל.

The *baraita* adds: **In what** case **is this statement said,** i.e., that if the corpse was dismembered the passerby is pure? It is said **with regard to** a passerby who **travels by foot.**[N] **However,** if he was **loaded** with a heavy burden **or** was **riding** an animal, he is **impure.** This is **because** in the case of **one who travels by foot, it is possible that he will not touch** the corpse **and will not move** it **and will not pass over** it, whereas in the case of one who is **loaded** with a heavy burden and therefore does not walk in a straight line, **or** one **riding** an animal, **it is impossible that he will not touch** the corpse **and will not move** it **and will not pass over** it.

בַּמֶּה דְּבָרִים אֲמוּרִים – בְּטוּמְאַת הַתְּהוֹם, אֲבָל טוּמְאָה יְדוּעָה – שְׁלָשְׁתָּן טְמֵאִים.

In what case **is this statement said,** that a nazirite and one bringing a Paschal offering are considered pure? It is said **with regard to impurity** imparted by a grave **in the depths. However,** if the source of **impurity** was **known** to others but not to the individual who became impure, all **three of them,** i.e., a nazirite, one performing the ritual of the Paschal offering, and the one who wishes to partake of *teruma*, are **impure.**

NOTES

And from this – וּמִינָּהּ: The dilemma can be resolved from the mishna itself, which simply states that he negates, without further specification. This indicates that he negates only seven days, like a nazirite who becomes impure after the completion of his term. Most commentaries explain in this manner (see Meiri). Others suggest a different explanation: The fact that no alternative opinion of the Rabbis is recorded here indicates that Rabbi Eliezer agrees in this case that the nazirite negates the entire period, as the impurity occurred before the completion of his term (Commentary on *Nazir*).

Some commentaries are puzzled by this answer of the Gemara, according to which the *halakha* follows the time of his discovery that he was impure. The Rosh explains that this is problematic because the first clause of the mishna teaches that if a nazirite found out after shaving that he was definitely impure he negates the entire period, which indicates that one follows the time that he became impure rather than the time of his discovery that he was impure. He answers that there is a difference between the two cases: If the nazirite discovered his impurity only after shaving, then he cannot possibly follow the time of his discovery, as in that case his naziriteship is over and he would not negate anything. Instead, as he has discovered that he was impure, his offerings are invalid and he must count again. However, if he finds out on the day of the completion of his term, there is room for debate with regard to how many days he negates.

We suspect – חָיְישִׁינַן: The commentaries note that although this phrase usually means: We are concerned, denoting a stringency, it can occasionally refer to a possible leniency, as it does here (Meiri; Rashash).

In what case is this statement said? With regard to a passerby who travels by foot – בַּמֶּה דְּבָרִים אֲמוּרִים, בִּמְהַלֵּךְ בִּרְגָלָיו: In the case of a dismembered corpse, one is pure with regard to partaking of *teruma* only if he was traveling by foot. However, a nazirite and one who was bringing a Paschal offering are not considered impure from impurity of the depths even if they were riding an animal. This is the explanation accepted by the Commentary on *Nazir*, which holds that the *halakha* concerning impurity of the depths that a nazirite and one who is performing the ritual of the Paschal offering are considered pure even if they later become aware that they had definitely been rendered impure is a *halakha* transmitted to Moses from Sinai.

Others maintain that this ruling involving one who was carrying a load or riding an animal applies even to the impurity of the depths. The reason is that a nazirite and one who was performing the ritual of the Paschal offering are pure only if there was merely a presumption of impurity, but not if there was no doubt about the impurity at all (Rambam and Meiri).

HALAKHA

Where he does not have space to pass by – שֶׁאֵין לוֹ מָקוֹם לַעֲבוֹר: In the case of a corpse positioned across the width of a path, if the corpse was whole, all those who pass along that route are impure with regard to *teruma* and offerings, as they are presumed to have touched it. If it was in pieces, a passerby is pure. If it was in a grave dug across the path he is impure. However, if he was on the way to perform the ritual of the Paschal offering and it was an impurity of the depths, he it is not considered impure, provided he was traveling by foot; if he was riding an animal or carrying a load he is impure. The same *halakha* applies to a nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 9:18, 19; *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:11; and *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 18:3).

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HALAKHA

If it was concealed in hay, etc. – הָיָה טָמוּן בְּתֶבֶן וכו׳: A corpse that was concealed by hay or pebbles is considered to impart impurity of the depths. If it was in water or a dark place or in rocky crevices, it does not impart impurity of the depths (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:19).

The impurity imparted by a grave in the depths applies only with regard to a corpse – טוּמְאַת הַתְּהוֹם...לְמֵת בִּלְבַד: The *halakha* of the impurity of the depths applies only to one who died without human interference, but not if he was murdered, as the killer is aware of the body's presence, as can be inferred from the Gemara's use of the term *met*, corpse, and not *harug*, meaning one who was killed. The Ra'avad disagrees, maintaining that the Gemara here is simply stating that the concept of impurity of the depths refers solely to the impurity imparted by a corpse, not to any other type of impurity (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 6:18).

Uncertain impurity that was floating – סְפֵק טוּמְאָה צָפָה: If the carcass of a creeping animal was floating on the surface of water, whether the water was contained in a vessel or in the ground, an individual who enters that place remains pure, even if there is room only for him and the carcass of the creeping animal, unless it is known for certain that he was rendered impure through contact with the carcass. This is in accordance with the opinion of the first *tanna*. *Tosafot* claim that the same *halakha* applies to all floating objects that impart impurity by contact, in a situation where there is uncertainty as to whether one touched it (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:3).

NOTES

Only with regard to a corpse – אֶלָּא לְמֵת בִּלְבַד: The Commentary on *Nazir* adds: But not for a *zav* or a *zava*. It is explained at length in the Jerusalem Talmud that according to this opinion the impurity of the depths applies, based on an *a fortiori* inference, to other types of impurities as well, e.g., an animal carcass. This *halakha* is relevant only for one who is performing the ritual of the Paschal offering, as in any case a nazirite negates his naziriteship only for the impurity of a corpse. The statement of the *baraita*: Only with regard to a corpse, excludes an impurity transmitted by lying and sitting, namely that of a *zav* and a *zava*.

וְאֵיזוֹ הִיא טוּמְאַת הַתְּהוֹם – כָּל שֶׁאֵין מַכִּירָהּ אֶחָד בְּסוֹף הָעוֹלָם, מַכִּירָהּ אֶחָד בְּסוֹף הָעוֹלָם – אֵין זוֹ טוּמְאַת הַתְּהוֹם.

The *baraita* continues: **And which** corpse **is** considered to impart **impurity of the depths? Any** corpse **of which no one is aware,** even **at the end of the earth.** But if even **one** individual **is aware of it,** even if that person is **at the end of the earth, this is not** considered **impurity** imparted by a grave **in the depths.**

הָיָה טָמוּן בְּתֶבֶן אוֹ בִּצְרוֹרוֹת – הֲרֵי זוֹ טוּמְאַת הַתְּהוֹם. בַּיָּמִים וּבַאֲפֵילָה וּבִנְקִיקֵי הַסְּלָעִים – אֵין זוֹ טוּמְאַת הַתְּהוֹם.

The *baraita* continues: To ascertain whether anyone ever knew about the corpse, its condition is taken into account. If the body **was concealed in hay**[H] **or in pebbles,** so the person might have died in an avalanche, it is likely that the corpse had never been found; **this is impurity** imparted by a grave **in the depths.** However, if it was found **in water, or in a dark** place, **or in the clefts of the rocks, this is not impurity** imparted by a grave **in the depths.** Although these are places where people do not often go, with the passage of time the corpse is likely to be discovered, and it is quite possible that someone already passed by and saw it.

וְלֹא אָמְרוּ טוּמְאַת הַתְּהוֹם אֶלָּא לְמֵת בִּלְבַד.

The *baraita* concludes: **And** the Sages **said** that the leniency of **impurity** imparted by a grave **in the depths** applies **only with regard to a corpse,**[NH] but not with regard to other sources of impurity.

״כִּיצַד יָרַד״. צָפָה אֵינָהּ מְטַמְּאָה לְעִנְיַן שֶׁרֶץ, דְּתַנְיָא: סְפֵק טוּמְאָה צָפָה, בֵּין בִּכֵּלִים בֵּין בַּקַּרְקַע – טְהוֹרָה. רַבִּי שִׁמְעוֹן אוֹמֵר: בִּכֵּלִים – טְמֵאָה, בַּקַּרְקַע – טְהוֹרָה.

§ The mishna taught: **How** does one differentiate between a known and an unknown impurity? If a nazirite **descended** to immerse in a cave, and a corpse was found floating at the mouth of the cave, he is impure. The Gemara comments: **A floating** impurity **does not render** a person or item **impure in the case of** a carcass of **a creeping animal. As it is taught** in a *baraita* (*Tosefta*, *Teharot* 5:6): With regard to the case of **uncertain impurity,** where an item might have touched something impure that was **floating,**[H] **either** in water **in a vessel or** in water **in the ground,** e.g., a well, the item is **pure. Rabbi Shimon says:** If the impurity was floating in water that was **in a vessel,** the item is **impure;** if the impurity was in water **in the ground,** it is **pure.**

Perek **IX**
Daf **64** Amud **a**

NOTES

Where it swarms – שֶׁהוּא שׁוֹרֵץ: That is, any place where it can swarm, including water (Rosh).

מַאי טַעְמָא דְּתַנָּא קַמָּא? אָמַר רַבִּי יִצְחָק בַּר אֲבוּדִימִי: כְּתִיב ״בְּכָל הַשֶּׁרֶץ הַשֹּׁרֵץ״ – כָּל מָקוֹם שֶׁהוּא שׁוֹרֵץ, וּכְתִיב ״עַל הָאָרֶץ״. הָא כֵּיצַד? וַדַּאי מַגָּעוֹ – טָמֵא, סְפֵק מַגָּעוֹ – טָהוֹר.

What is the reason of the first *tanna* for declaring that in all uncertain cases of floating impurity the person or item remains pure? **Rabbi Yitzḥak bar Avudimi says:** In the passage dealing with the impurity of creeping animals and the prohibition of eating them **it is written: "With any swarming thing that swarms"** (Leviticus 11:43), indicating that a carcass of a creeping animal renders items impure in **any place where it swarms.**[N] **And it is written:** "All swarming things that swarm **upon the earth"** (Leviticus 11:42), indicating that it transmits impurity only if it is on the earth. **How so?** How can one reconcile these two verses? **Definite contact** with **it** renders one **impure;** one who has **uncertain contact** with **it,** e.g., the impurity is floating, remains **pure.**

וְרַבִּי שִׁמְעוֹן מַאי טַעְמָא? אָמַר עוּלָּא: כְּתִיב ״אַךְ מַעְיָן״ וּכְתִיב ״יִטְמָא (עַד הָעֶרֶב)״, הָא כֵּיצַד? צָפָה בִּכֵּלִים – טָמֵא, בַּקַּרְקַע – טָהוֹר.

The Gemara asks: **And Rabbi Shimon, what is the reason** for his opinion? **Ulla said** that as **it is written: "Nevertheless a fountain** or a cistern in which there is a gathering of water shall be pure" (Leviticus 11:36), this indicates that a creeping animal found in one of these places does not impart impurity. **And it is written** in the same verse: "He who touches their carcass **shall be impure** until evening," which indicates that it does render one impure. **How so?** If the impurity was **floating** in water contained **in vessels,** the item it touched **is** rendered **impure,** but if the water was **in the ground** itself, e.g., in a spring or pit, the item it touched is **pure.**

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תָּנוּ רַבָּנַן: כָּל הַנִּיטָּלִין וְהַנִּגְרָרִין – סְפֵיקָן טָמֵא, מִפְּנֵי שֶׁהֵן כְּמוּפָחִין. וְהַנִּוָּרָקִין – סְפֵיקָן טָהוֹר.

The Sages taught (*Tosefta*, *Teharot* 3:13): **All** items that impart impurity **that are carried** by human hand **or that are dragged**[NH] along are not considered floating impurities, despite the fact that they are in motion. Rather, in a case where there is **uncertainty** whether a carried or dragged item affected a person, the individual is rendered **impure,** because the items are considered **as though** they were **at rest. And** in the case of items **that are thrown** by people, in **uncertain** cases that pertain to them, the individual remains **pure.**[H]

חוּץ מִן כְּזַיִת הַמֵּת, וְהַמַּאֲהִיל עַל פְּנֵי טוּמְאָה, וְכָל דָּבָר שֶׁמְּטַמֵּא מִלְמַעְלָה כַּיּוֹצֵא בּוֹ, לְאִיתּוּיֵי זָב וְזָבָה.

This is the *halakha*, **except for an olive-bulk** from **a corpse,**[H] which transmits impurity through uncertain contact even if it was thrown; **and that which overlies impurity**[N] when thrown, i.e., an item that might have been positioned over a corpse when it was thrown; **and anything that renders** items **above** it **impure like** it renders those **below** it impure.[N] To what does this last clause refer? It comes **to include a *zav* and a *zava*,**[H] who render items placed above and below them impure even without contact. If something thrown or floating might have come into contact with a *zav* or *zava*, it is impure.

בָּעֵי רָמֵי בַּר חָמָא: מֵת בִּכְלִי, וּכְלִי צָף עַל פְּנֵי הַמַּיִם, מַהוּ? בָּתַר כְּלִי אָזְלִינַן אוֹ בָּתַר מֵיתָא אָזְלִינַן?

With regard to this *halakha* of a floating impurity, **Rami bar Ḥama raises a dilemma:** If there is **a corpse in a vessel**[N] **and the vessel is floating**[H] **on water,** and one did not overlie it but might have touched it, **what is** the *halakha*? Do **we go according to** the floating **vessel or** do **we go according to** the **corpse,** which is resting on a solid surface?

אִם תִּמְצֵי לוֹמַר בָּתַר כְּלִי אָזְלִינַן, מֵת עַל גַּבֵּי שֶׁרֶץ מַהוּ? כֵּיוָן דְּהַאי טוּמְאַת עֶרֶב וְהַאי טוּמְאַת שִׁבְעָה – כְּמַאן דְּמַחְתָּא טוּמְאָה בִּכְלִי דָּמְיָא, אוֹ דִילְמָא טוּמְאָה סְמִיכְתָּא הִיא?

If you say that **we go according to the vessel** and one is rendered ritually impure, the following question arises: If **a corpse** is placed **on top of** the carcass of **a creeping animal,** which is floating on water, **what is** the *halakha*? Do we say that **since this** impurity of a creeping animal is **an impurity for an evening,** i.e., it lasts one day, **and this** impurity imparted by a corpse is **an impurity for seven** days, **it is considered as though the impurity** imparted by a corpse **were placed in a vessel,** and he is impure? **Or, perhaps** the fact that both a corpse and a creeping animal impart impurity means that **it is** one **solid impurity,** and because the creeping animal is floating he is pure.

NOTES

That are carried or that are dragged – הַנִּיטָּלִין וְהַנִּגְרָרִין: Because these items are tied to the individual, who transfers them from one place to another, they are considered placed on the ground, despite the fact they are not entirely stationary. Some commentaries maintain that anything dragged or carried is considered fixed in place, whether it is in a person's hand or not (Commentary on *Nazir*). Others explain this to mean that items that are dragged and carried through water do not have the status of floating impurities (*Tosafot*).

And that which overlies impurity – וְהַמַּאֲהִיל עַל פְּנֵי טוּמְאָה: Whether the impurity, e.g., an olive-bulk of a corpse, overlies a pure item, or whether the pure item overlies the impurity, both a floating impurity and the item thrown over it contract impurity imparted in a tent. This is because the leniency of a floating impurity is derived from the *halakha* of a creeping animal, and therefore even those who accept this ruling can apply it only to a case similar to that of a creeping animal, i.e., impurity through contact, but not impurity imparted in a tent (Rabbeinu Peretz).

That renders items above it impure like it renders those below it impure – שֶׁמְּטַמֵּא מִלְמַעְלָה כְּלִמַּטָּה: Some commentaries explain that this refers to a heavy stone upon which a *zav* is sitting. This stone transmits impurity to items above and below it even without direct contact (Commentary on *Nazir*). According to *Tosafot*, it refers to the impurity of a *zav*, imparted by him lying, sitting, or moving an item, as a *zav* can impart impurity to an item in these ways even without directly touching it.

A corpse in a vessel – מֵת בִּכְלִי: The standard version of the text is somewhat problematic, as the mishna explicitly states that a floating corpse imparts impurity even in a case of uncertainty. The commentaries explain that this refers to a situation where it is clear that one had not overlaid the corpse, and the uncertainty concerns only the possibility of impurity through contact. In this regard, the *halakha* of all impurities, including that imparted by a corpse, is derived from the case of a creeping animal, in which a floating impurity does not render items impure through contact. Some early commentaries read: A creeping animal in a vessel (see Rabbeinu Peretz and Meiri). Accordingly, this is not connected to the *halakha* of the mishna, which discusses a corpse.

HALAKHA

All those that are carried or that are dragged – כָּל הַנִּיטָּלִין וְהַנִּגְרָרִין: All items that are carried or dragged are considered at rest, and therefore people or items that have possibly come into contact with them are impure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:3).

And in the case of items that are thrown by people, in uncertain cases the individual remains pure – וְהַנִּוָּרָקִין סְפֵיקָן טָהוֹר: If one threw a creeping animal among loaves, or a pure loaf among impure ones, and it is uncertain whether the impurity touched the pure loaf, they are pure, as the individual did not see the pure loaf touching the impurity. In a case of this kind of uncertainty, the item is pure (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 15:6).

Except for an olive-bulk from a corpse – חוּץ מִן כְּזַיִת הַמֵּת: If an olive-bulk of a corpse in the mouth of a raven possibly overlaid a person in a private domain, he is impure due to uncertainty. If the uncertain impurity involves a vessel, it is pure, as there is a difference in this regard between people and items (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 17:1).

To include a *zav* and a *zava* – לְאִיתּוּיֵי זָב וְזָבָה: One who is uncertain if he touched a floating impurity is pure only if the impurity is from a creeping animal. Similarly, in a case of uncertain impurity involving a thrown item, the *halakha* that the person is pure applies only to a creeping animal, as stated by the *baraita*. The *Or Same'aḥ* notes that this opinion is also recorded in the Jerusalem Talmud (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:3, 15:6).

An impurity in a vessel and the vessel was afloat – טוּמְאָה בִּכְלִי וּכְלִי צָף: If a creeping animal was in a vessel that was floating on water, or if the creeping animal was placed on a carcass or on a corpse, even if the carcass or the flesh of the corpse had decomposed, or if the creeping animal was located on semen, and the substance the creeping animal was placed on was floating on water, the creeping animal is considered to be on the ground. Consequently, in cases of uncertain contact in a private domain, the item that was in contact with the creeping animal is rendered impure. It seems that the Rambam had a different version of the text of the Gemara (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:4).

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HALAKHA

A creeping animal atop a creeping animal – שֶׁרֶץ עַל גַּבֵּי שֶׁרֶץ: If one creeping animal was positioned atop another creeping animal that was floating on water, it is considered like a single floating impurity, and therefore one remains pure in the case of any uncertain contact. Apparently, the Rambam's text of the Gemara differed from the standard version, which accounts for his lenient ruling (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:4 and see *Kesef Mishne* there).

A creeping animal atop waters of purification – שֶׁרֶץ עַל גַּבֵּי מֵי חַטָּאת: If a creeping animal was positioned atop waters of purification that was floating on regular water, it is uncertain whether it renders one impure. The Rambam rules leniently, as the *halakha* is lenient in uncertain cases with regard to rabbinic law (Rambam *Sefer Tahara*, *Hilkhot She'ar Avot HaTumot* 14:4).

וְאִם תִּמְצֵי לוֹמַר כְּמַאן דְּמַחְתָּא טוּמְאָה בִּכְלִי דָּמְיָא, וְטָמֵא וַדַּאי, שֶׁרֶץ עַל גַּבֵּי נְבֵלָה וּנְבֵלָה צָפָה מַהוּ? כֵּיוָן דְּתַרְוַיְיהוּ טוּמְאַת עֶרֶב אִינּוּן – טוּמְאָה סְמִיכְתָּא הִיא, אוֹ דִּילְמָא הַאי כַּזַּיִת וְהַאי כַּעֲדָשָׁה?

And if you say that due to their different levels of impurity **it is considered as though the impurity were placed in a vessel and** therefore one is **definitely impure,** one can raise an additional dilemma. If **a creeping animal** is **atop** an unslaughtered **animal carcass and the animal carcass** is **floating,** then **what is** the *halakha*? Do we say that **since they are both** examples of **an impurity for an evening, it is** considered a single **solid impurity, or perhaps** here too they are different, as **this** one, the carcass, renders items impure when it is the amount of **an olive-bulk, and this** one, the creeping animal, does so when it is the amount **of a lentil-bulk.** In that case, the animal carcass and the creeping animal should be considered separate items, and it is as though the impurity is placed in a vessel, and he is impure.

שֶׁרֶץ עַל גַּבֵּי שֶׁרֶץ מַהוּ? הָנֵי וַדַּאי חַד שִׁיעוּרָא נִינְהוּ, אוֹ דִּילְמָא כֵּיוָן דְּמִפְסְקִי מֵהֲדָדֵי לָא?

If in that case they are considered separate, then one can also ask: If **a creeping animal** is positioned **atop** another **creeping animal,**[H] **what is** the *halakha*? Do we say that **these certainly** have the **same measurement** with regard to transmitting impurity, and that they consequently should be viewed as a single floating items, which means he is pure? **Or, perhaps, since** they **are separate from each other** and are not in fact a single item, they are **not** considered as one unit.

וְאִם תִּמְצֵי לוֹמַר שֶׁרֶץ עַל גַּבֵּי שֶׁרֶץ, כֵּיוָן דְּמִפְסְקִי מֵהֲדָדֵי – כְּמַאן דְּמַנְחָא בִּכְלִי דָּמֵי, שֶׁרֶץ עַל גַּבֵּי נְבֵלָה שֶׁנִּימּוֹחָה מַהוּ? כֵּיוָן דְּנִימּוֹחָה הֲוָיָא לֵיהּ מַשְׁקֶה, אוֹ דִּילְמָא הַאי אוֹכְלָא הוּא?

And if you say that in the case of **a creeping animal atop a creeping animal, since** they **are separate from each other, it is considered as though** the impurity **were placed in a vessel** and is not floating, one can raise an additional dilemma. If **a creeping animal** was placed **atop an animal carcass that has dissolved,**[N] **what is** the *halakha*? Do we say that **since it has dissolved it has become** like **liquid,** and therefore it is as though the creeping animal were floating on liquid? **Or, perhaps this** carcass **is** still considered **food,** rather than a liquid, and the creeping animal is on a solid surface.

וְאִם תִּמְצֵי לוֹמַר דְּאוֹכְלָא הוּא, שֶׁרֶץ עַל גַּבֵּי שִׁכְבַת זֶרַע מַהוּ? וְאִם תִּמְצֵי לוֹמַר כֵּיוָן דְּמִיתְעַקְּרָא הֲוָיָא לָהּ כִּי אוֹכְלָא, שֶׁרֶץ עַל גַּבֵּי מֵי חַטָּאת וּמֵי חַטָּאת צָפִין עַל גַּבֵּי הַמַּיִם, מַהוּ? לָא יָדְעִינַן, תֵּיקוּ.

And if you say that a dissolved animal carcasses **is** considered **food,** one can raise an additional dilemma. If **a creeping animal** was placed **on top of semen,** which is certainly liquid, **what is** the *halakha*? Is this creeping animal considered a floating impurity? **And if you say** that **once** semen **is ejaculated** from the body **it is considered like food** rather than drink, as it is viscous, one can raise an additional dilemma. If **a creeping animal** was placed **atop waters of purification,**[HN] i.e., the water into which the ashes of the red heifer are mixed, which becomes highly viscous, **and** the **waters of purification are floating on water, what is** the *halakha*? The Gemara responds: **We do not know** the answer to any of these questions, and therefore the dilemmas **shall stand** unresolved.

NOTES

Atop an animal carcass that has dissolved – עַל גַּבֵּי נְבֵלָה שֶׁנִּימּוֹחָה: This question concerns the status of the carcass itself: Does one go according to its current, liquefied state, in which case the creeping animal is on a liquid, or does one follow its original solid form? Some commentaries maintain that in this dilemma and in the subsequent dilemma pertaining to semen, the question is if the dissolved carcass or semen is disregarded, thereby causing the creeping animal to be considered as though it is directly on the water (Rambam; Rosh).

Atop waters of purification – עַל גַּבֵּי מֵי חַטָּאת: According to most commentaries, the dilemma is whether the presence of the ashes in the water means that it is no longer considered liquid, or whether it nevertheless retains the status of liquid. Some commentaries note that this dilemma specifically refers to the waters of purification, not to ordinary water mixed with ashes, because waters of purification have the unique characteristic of rendering a pure person impure (see Numbers 19:7). Consequently, one might have thought that it should form one solid, impure entity with the creeping animal atop it (*Tosafot*).

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אָמַר רַב הַמְנוּנָא: נָזִיר וְעוֹשֶׂה פֶּסַח שֶׁהָלְכוּ בְּקֶבֶר הַתְּהוֹם בַּשְּׁבִיעִי שֶׁלָּהֶן – טְהוֹרִים. מַאי טַעְמָא – דְּלָא אַלִּימָא טוּמְאַת הַתְּהוֹם לְמִיסְתַּר.

Rav Hamnuna says: In the case of **a nazirite and one performing** the ritual of **the Paschal** offering **who walked by a grave in the depths,** i.e., an unknown grave, **on their seventh** day of **their** purification, i.e., seven days after they were sprinkled with the purification waters after having contracted ritual impurity imparted by a corpse, **they are pure.** If the nazirite shaved for his impurity and completed his naziriteship in purity or if the one performing the ritual of the Paschal offering sacrificed his offering, then when he eventually discovers the impurity, it is considered as though he were pure all along. **What is the reason** for this lenient ruling? It is **because the ritual impurity** imparted by a grave **in the depths is not strong** enough **to negate** their actions, i.e., the nazirite offerings or the Paschal offering.

מְתִיב רָבָא: יָרַד לִיטָּהֵר מִטּוּמְאַת הַמֵּת – טָמֵא, שֶׁחֲזָקַת טָמֵא – טָמֵא, שֶׁחֲזָקַת טָהוֹר – טָהוֹר!

Rava raised an objection to this ruling from the statement of the mishna that if there is one whose impurity imparted by a grave in the depths is uncertain and he **descended to purify himself from the ritual impurity** imparted by **a corpse,** he is **impure,** as a person or item **that has the presumptive status of impurity** remains **impure, and** one that has **the presumptive status of purity** remains **pure.** Here too, the nazirite and the one performing the ritual of the Paschal offering people had not completed their purification at the time, as the seventh day following their being sprinkled had not ended. As their presumptive status is impure, they are retroactively rendered impure, even by an impurity of the depths.

אֲמַר לֵיהּ: מוֹדֵינָא לָךְ בְּנָזִיר, שֶׁמְּחוּסַּר תִּגְלַחַת.

Rav Hamnuna **said to** Rava: **I agree with you with regard to a nazirite** who descended to purify himself and **who is lacking** the act of **shaving.**[N] He has yet to shave his head for his impurity and is therefore not completely pure. Consequently, he follows his prior presumptive status of impurity.

אֲמַר לֵיהּ רָבָא: אַף אֲנָא מוֹדֵינָא לָךְ בְּעוֹשֶׂה פֶּסַח, דְּלָא מְחוּסַּר וְלָא כְּלוּם. אֲמַר לֵיהּ אַבַּיֵי: וְהָא מְחוּסַּר הֶעֱרֵב שֶׁמֶשׁ! אֲמַר לֵיהּ: שִׁימְשָׁא מְמֵילָא עָרְבָא.

Rava said to him: I, too, agree with you with regard to one performing the ritual of **the Paschal offering**[H] that he is pure, **as he is not lacking anything.** Since he does not have to perform any action on his body before he can bring an offering, one can say that he already has a presumptive status of purity on the seventh day. **Abaye said to him: But** he **is** still **lacking sunset,**[B] i.e., he is not fully pure until the sun sets on the seventh day. Rava **said to** Abaye: **The sun sets by itself,** and therefore this cannot be seen as a deficiency involving an action.

וְאַף אַבַּיֵי הֲדַר בֵּיהּ. דְּתַנְיָא:

The Gemara comments: **And even Abaye** accepted Rava's answer and **retracted, as** can be seen from that which **is taught** in a *baraita*. By Torah law, a woman who gives birth to a boy is ritually impure for seven days, and a woman who gives birth to a girl is impure for fourteen days. At that point, the woman immerses in a ritual bath and is purified. Any blood that emerges from the woman during her days of purity, i.e., for forty days following the birth of a male and eighty days following the birth of a female, does not render her impure. She cannot bring the offering brought by a woman who has given birth or miscarried until she has immersed at the end of these days (see Leviticus, chapter 12). The *baraita* discusses a case where a woman who had given birth became pregnant and miscarried before she had brought her offering for the first birth.

יוֹם מִלֹּאת – תָּבִיא, תּוֹךְ מִלֹּאת – לֹא תָּבִיא.

The *baraita* teaches: If a woman miscarried on **the day of the fulfillment** of her purity, on the eighty-first day after a female, **she must bring**[H] a separate offering for the miscarried fetus, as she was obligated to bring one offering before her miscarriage. If she miscarried **during the fulfillment,** i.e., before the conclusion of the eighty days for the birth of a daughter, **she does not bring**[H] two offerings but only one, just as is the *halakha* in the case of one who gives birth to twins.

NOTES

I agree with you with regard to a nazirite who is lacking shaving – מוֹדֵינָא לָךְ בְּנָזִיר שֶׁמְּחוּסַּר תִּגְלַחַת: Rav Hamnuna points out that this is the case mentioned in the mishna, when it refers to a nazirite who descended to immerse himself for his impurity (*Tosafot*).

HALAKHA

I…agree with you with regard to one performing the Paschal offering – מוֹדֵינָא לָךְ בְּעוֹשֶׂה פֶּסַח: With regard to one who contracted impurity imparted by a corpse, received the sprinkling on the third and seventh days, performed the ritual of the Paschal offering, and then later discovered that on the seventh day he was rendered impure by an impurity of the depths, he is not obligated in the offering of the second *Pesaḥ*. However, if he was rendered impure on the sixth day or earlier, he must bring the second *Pesaḥ*. This is because one who has the presumptive status of purity remains pure until proven otherwise, while one who has the status of impurity remains impure until proven otherwise. The Ra'avad writes that if one was rendered impure on the seventh day before the sprinkling, he is obligated in the second *Pesaḥ*, as there was an action that had yet to be performed (Rambam *Sefer Korbanot*, *Hilkhot Korban Pesaḥ* 6:13).

On the day of the fulfillment she must bring, etc. – יוֹם מִלֹּאת תָּבִיא וכו': In the case of a woman who gave birth or miscarried many times in succession, if these events were within the days of purity of each other, she brings only one offering for all of them. Accordingly, if she gave birth to a female, any miscarriages that occur within eighty days of each birth or miscarriage are all considered a single birth. If she miscarried from the eighty-first day onward, she is obligated to bring a separate offering (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:8).

During the fulfillment she does not bring – תּוֹךְ מִלֹּאת לֹא תָּבִיא: If a woman who gave birth brought her offering during her days of purity, she has not fulfilled her obligation (Rambam). Some commentaries are puzzled by this ruling, as an impure person is generally allowed to send his offerings with one who is pure (Ra'avad). One explanation is that the Rambam derives this *halakha* from the verse: "And when the days of her purity are fulfilled" (Leviticus 12:6), which indicates that she brings the offering only upon the completion of her days of purity, but not earlier (*Kesef Mishne*). The wording of the *baraita* suggests a similar conclusion (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 1:5).

BACKGROUND

Sunset – הֶעֱרֵב שֶׁמֶשׁ: The concept of sunset is relevant for the *halakhot* of ritual impurity. If an impure person immersed himself in a ritual bath, he remains impure with regard to the eating of *teruma* until the sun has set and the stars are visible on the evening following his immersion. After the stars are visible he may eat *teruma*. However, certain types of ritually impure people who have already immersed themselves in a ritual bath are not allowed to enter the Temple or to come into contact with sacrificial offerings until they bring expiatory offerings on the day after their immersion.

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יָכוֹל לֹא תָּבִיא עַל לֵידָה שֶׁלִּפְנֵי מִלֹּאת, אֲבָל תָּבִיא עַל לֵידָה שֶׁלְּאַחַר מִלֹּאת, וְתִיפַּיֵּר מִשְׁתֵּיהֶן,

The *baraita* continues: One **might** have thought that **she should not bring** an offering **for her childbirth,** i.e., miscarriage, **that** occurred **before the fulfillment** of the days of her purity **but she should bring for her childbirth that** occurred **after** its **completion.** In other words, if she had yet another miscarriage, after the days of her purity for her initial birth but within the eighty days of purity following her first miscarriage, she should bring an extra offering **and** thereby **discharge both** obligations, of her birth and her final miscarriage.

תַּלְמוּד לוֹמַר ״וּבִמְלֹאת יְמֵי טָהֳרָהּ״. בְּיוֹם מִלֹּאת – תָּבִיא, תּוֹךְ מִלֹּאת – לֹא תָּבִיא.

Therefore, to counteract this possibility, **the verse states: "And when the days of her purity are fulfilled…** she shall bring" (Leviticus 12:6). This teaches that it is only if she miscarried **on the day of the fulfillment** itself that **she must bring** an offering for a miscarriage, but if she miscarried **before the fulfillment** of the days of her purity of the earlier miscarriage, even if this occurred more than eighty days after the first birth, **she does not bring** another offering.

אָמַר רַב כָּהֲנָא: שָׁאנֵי הָכָא דִּמְחַסְּרָא קָרְבָּן, הָתָם נַמִּי מְחַסְּרָא הָעֱרֵב שֶׁמֶשׁ!

Rav Kahana said in explanation: **Here it is different.** The reason why she does not bring an offering for a miscarriage during her days of purity is **that she lacks** the possibility of bringing her **offering.** Since she cannot bring her offering until the end of her term of purity, she cannot incur another obligation during this period, no matter how many births occur within eighty days of the previous one. However, this leads Rav Kahana to ask: **There too,** if she had a miscarriage on the day of the completion of her term, she cannot bring her offering either, as she **lacks sunset.**[N] Why, then, must she bring an additional offering?

אָמַר לֵיהּ אַבַּיֵי: שִׁימְשָׁא מְמֵילָא עָרְבָא.

Abaye said to Rav Kahana: **The sun sets by itself**[N] and is not considered a deficiency with regard to her purity. This discussion shows that Abaye accepted Rava's reasoning, as he submitted the same argument himself in a different context.

מתני׳ הַמּוֹצֵא מֵת בַּתְּחִילָּה, מוֹשְׁכָּב כִּדְרְכּוֹ – נוֹטְלוֹ וְאֶת תְּפוּסָתוֹ,

MISHNA **One who finds a corpse**[N] **for the first** time,[H] i.e., he discovers a single corpse in a place that was not previously established as a cemetery, if the corpse is **lying in** the **usual manner** of Jewish burial, **he removes it**[N] from there **and** also **its surrounding** earth. It is assumed that this corpse was buried there alone. There is no concern that this area is a cemetery and therefore the corpse may not be moved, nor does one take into account the possibility that another corpse may be buried in the vicinity.

שְׁנַיִם – נוֹטְלָן וְאֶת תְּפוּסָתָן. מָצָא שְׁלֹשָׁה, אִם יֵשׁ בֵּין זֶה לָזֶה מֵאַרְבַּע אַמּוֹת וְעַד שְׁמוֹנָה – הֲרֵי זוֹ שְׁכוּנַת קְבָרוֹת.

Similarly, if he found **two** corpses, **he removes them and their surrounding** earth. In a case where he **found three**[H] corpses, **if there is** a space **between this** corpse **and that** corpse **of four to eight cubits,** in a standard design, **this is a graveyard.**[NB] There is a concern that this might be an ancient cemetery.

HALAKHA

One who finds a corpse for the first time – הַמּוֹצֵא מֵת בַּתְּחִילָּה: With regard to one who was digging and found a corpse buried in the proper manner, he removes it and the surrounding earth, i.e., the loose dirt underneath it, and up to three fingerbreadths of uncultivated earth. Similarly, if he discovers two bodies, he removes both of them, and the entire field is assumed to be pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:3).

He found three, etc. – מָצָא שְׁלֹשָׁה וכו׳: The Rambam states that if three bodies were found in the usual position of burial, and each was separated from the next by no fewer than four cubits and no more than eight, one must take into account the possibility that he has encountered a graveyard, and he must therefore examine twenty cubits from the outermost corpse. Some claim that he measures twenty cubits from the first grave, as stated in tractate *Bava Batra* 102a (Ra'avad). Others state that the Rambam probably had a different version of that Gemara (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:3 and *Kesef Mishne* there).

BACKGROUND

Graveyard – שְׁכוּנַת קְבָרוֹת:



Burial cave from Hasmonean era discovered near Modi'in, Israel

NOTES

There too she lacks sunset – הָתָם נַמִּי מְחַסְּרָא הָעֱרֵב שֶׁמֶשׁ: Therefore, she should not be obligated to bring an offering even if she had a miscarriage on the night of the eighty-first day, as she still requires immersion and sunset before she can bring her offering in a state of purity on the following day. The early commentaries offer different explanations as to why this woman is lacking sunset, which applies to one who has immersed in a ritual bath. *Tosafot* explain that the *baraita*, by not specifying to the contrary, includes the case of a woman who did not immerse after fourteen days, and is immersing only before she brings her offerings. Other commentaries, based upon tractate *Ḥagiga* (21a), claim that she must immerse before bringing her offerings in any case, so that she can partake of the offerings (*Shita Mekubbetzet*; Rosh).

The sun sets by itself – שִׁימְשָׁא מְמֵילָא עָרְבָא: Her forthcoming immersion is not cited as a factor that prevents her from sacrificing the offering, as a ritual bath is always available, and therefore this is not considered a bodily deficiency. The novelty is that even sunset, which is not dependent upon her, is not a deficiency either, as it is a natural event.

One who finds a corpse – הַמּוֹצֵא מֵת: This mishna is not connected to the subject matter of the chapter, or even that of the tractate as a whole. Rather, this mishna and the subsequent one, each of which also appears elsewhere, are cited because they share the key phrase: As there is a basis for anticipating the matter. These diverse topics are linked by this recurring expression (Rabbi Ovadya Bartenura).

He removes it – נוֹטְלוֹ: Although a corpse acquires its place by rabbinic decree, i.e., it is not moved from its burial site, it is assumed that this corpse was buried here on a temporary basis, with the intention of removing it at a later stage. For this reason, it may be transferred to a cemetery, and the site of the temporary burial may be used afterward without concern for impurity.

Graveyard – שְׁכוּנַת קְבָרוֹת: In this scenario it is prohibited to remove the bodies, as they were initially buried with the aim of leaving them in that place permanently. One must also examine the surrounding areas in case the graveyard extends farther, or if a similar burial cave is in close vicinity.

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בּוֹדֵק הֵימֶנּוּ וּלְהַלָּן עֶשְׂרִים אַמָּה, מָצָא אֶחָד בְּסוֹף עֶשְׂרִים אַמָּה – בּוֹדֵק הֵימֶנּוּ וּלְהַלָּן עֶשְׂרִים אַמָּה, שֶׁרְגַלַיִם לַדָּבָר, שֶׁאִילּוּ תְּחִילָּה מְצָאוֹ – נוֹטְלוֹ וְאֶת תְּפוֹסְתּוֹ.

One must therefore **examine from that** spot[NH] **outward** for **twenty cubits.**[N] If one **finds** another corpse **at the end of twenty cubits,** he **examines** from that spot **outward twenty cubits, as there is a basis for** anticipating **the matter.** It is likely that he has stumbled upon an ancient gravesite. He is not permitted to relocate the corpses, despite the fact **that if he had found** the single corpse by itself **at first**[N] he could have **removed it and its surrounding** earth.

גמ׳ אָמַר רַב יְהוּדָה: מָצָא – פָּרַט לְמָצוּי, מֵת – פָּרַט לְהָרוּג, מוּשְׁכָּב – פָּרַט לְיוֹשֵׁב, כְּדַרְכּוֹ – פָּרַט לְשֶׁרֹאשׁוֹ מוּנָּח בֵּין יַרְכוֹתָיו.

GEMARA **Rav Yehuda said** the following inferences from the mishna: The phrase: He **found, excludes** a corpse **that** already had **been found.**[NH] If it was known that there was one corpse buried in a certain place, the discovery of two previously unknown corpses does not raise the concern that perhaps it is a forgotten graveyard. Similarly, the term **corpse** [*met*] **excludes a killed** [*harug*] person. Even if there were three corpses found, if there are signs that these people were killed, the area is not assumed to be a graveyard, as they may have been buried where they were found killed. Likewise, the term **lying excludes a sitting** person,[H] as Jews were not generally buried in a seated position. The phrase: **In** the usual **manner, excludes** one **whose head was placed between his thighs,**[B] as that is not the way Jews are buried.

תָּנֵי עוּלָּא בַּר חֲנִינָא: מֵת שֶׁחָסֵר – אֵין לוֹ תְּפוֹסָה, וְלֹא שְׁכוּנַת קְבָרוֹת. וְכָל הָנֵי, מַאי טַעֲמָא לָא? אָמְרִינַן דִּילְמָא גּוֹי הוּא.

Ulla bar Ḥanina taught a *baraita* (*Tosefta*, *Oholot* 16:2): **A corpse that is lacking**[NH] a part of his body indispensable to life **has no** *halakha* of **surrounding** earth, i.e., there is no need to remove the nearby earth along with the corpse. **Nor** does it have the *halakha* of **a graveyard,** i.e., it does not join with two other corpses to establish this site as a cemetery. The Gemara asks: **And** with regard to **all these** listed above, i.e., a corpse that was buried in a sitting position or with its head between its thighs, **what is the reason** that they are **not** considered part of a graveyard? The Gemara answers: **We say** that **perhaps** the deceased **was a gentile,**[H] as Jews are not usually buried in these ways.

HALAKHA

Examine from that spot, etc. – בּוֹדֵק הֵימֶנּוּ וכו׳: If one finds three corpses lying in the usual manner for burial, which necessitates the examination of twenty cubits, and he subsequently finds another body at the end of twenty cubits, he must check a further twenty cubits. This is because there is a basis to anticipate that this is a graveyard (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:3).

Excludes a corpse that had been found – פָּרַט לְמָצוּי: The *halakhot* of a graveyard and the surrounding earth do not apply to corpses found lying in an open field. One merely collects all of the bones to bury elsewhere, and the rest of the area is pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:5).

Excludes a killed person…excludes a sitting person – פָּרַט לְהָרוּג…פָּרַט לְיוֹשֵׁב: If one was digging and discovered a corpse of one who was killed, or a corpse buried in a sitting position or with its head between its thighs, not in the manner of Jewish burial, then he need not be concerned that this might be a cemetery, even if the body was one of three within the proper distance for a gravesite. Instead, he removes the bodies and their surrounding earth, and the rest of the field remains pure (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:1; 3).

A corpse that is lacking – מֵת שֶׁחָסֵר: If a body is missing a vital limb, the *halakhot* of the surrounding earth and a graveyard do not apply to it, as stated in the *Tosefta* in tractate *Oholot* (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:5).

Perhaps he was a gentile – דִּילְמָא גּוֹי הוּא: The ritual impurity of graves does not apply to gentiles, as the impurity of their corpses is not imparted in a tent. Consequently, one who touches their graves remains pure, unless he came into contact with or carried the corpse itself. This *halakha* is indicated by the Gemara here (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:4 and *Kesef Mishne* there).

BACKGROUND

Whose head…between his thighs – רֹאשׁוֹ…בֵּין יַרְכוֹתָיו: In the Jewish tradition, it is customary for the body to be buried face up in the grave. A burial that differed from the custom in any manner was considered disgraceful and termed the burial of a donkey. In later generations, the custom developed for the grave to be pointing in a specific direction determined by local custom. By contrast, many graves have been found in Eretz Yisrael dating from prehistoric times or from the later Canaanite period in which the body was buried sitting upright or with the head situated between the thighs. One can safely assume that a corpse buried in this fashion is not the body of a Jew.

NOTES

Examine from that spot – בּוֹדֵק הֵימֶנּוּ: Some commentaries state that one examines twenty cubits from the last grave (Rambam). Others maintain that it refers to the first grave, based on the Gemara in *Bava Batra* (102a), which explains that the concern is that there may be another burial cave adjacent to it (Ra'avad). The interpretation of the Ra'avad fits the Gemara in *Bava Batra*, at least according to the standard version of the Gemara there (*Kesef Mishne*; see Meiri).

Twenty cubits – עֶשְׂרִים אַמָּה: The commentaries explain, based on the Gemara in *Bava Batra* (102a), that if these caves were six by eight cubits, then in accordance with the opinion of Rabbi Shimon, one must examine the length of two caves, sixteen cubits, and the intervening courtyard of six cubits. The amount stated here is less than that because it might be a smaller cave for children or stillborn babies.

The Rabbis, however, claim that a cave measures four by six cubits, which means that the two caves and the courtyard amount to only eighteen cubits. According to their opinion, there is a concern that one cave might have been positioned at a diagonal from the other, and therefore the extra space for the diagonal must be taken into account. The entire area of the twenty cubits must be searched, as the second cave might be alongside the other, which would mean that the space between the grave is less than twenty cubits.

As there is a basis for anticipating the matter, that if he had found the single body by itself at first, etc. – שֶׁרְגַלַיִם לַדָּבָר שֶׁאִילּוּ תְּחִילָּה מְצָאוֹ וכו׳: If one found only a single body in his search of those twenty cubits, it may be moved, in accordance with the *halakha* of an isolated corpse. In the case in the mishna, however, since the twenty cubits were examined due to the discovery of three graves, there is a basis to anticipate that there was an ancient cemetery there. Consequently, further examination is required.

He found, excludes a corpse that had been found – מָצָא, פָּרַט לְמָצוּי: Most commentaries maintain that this refers to the second *halakha* of the mishna: If he found three…this is a graveyard, and explain that if one body was known to be buried there, it is permitted to move all three. The problem with this explanation is that it is unclear why the first body itself should be moved, as a corpse acquires the place of its burial. Therefore, some commentaries add that it was also known that this body was interred there only on a temporary basis, which is why one may move it (Rabbi Avraham min HaHar; Meiri; see Commentary on *Nazir*).

Others state that the Gemara is referring to the first *halakha* of the mishna: One who finds a corpse must remove it and its surrounding earth. It is from this statement that Rav Yehuda inferred that one may remove it only if he discovered the body, but if its presence was known it is prohibited to remove it (*Tosafot*; *Shita Mekubbetzet*). An entirely different interpretation is that the phrase: Excluding one that had been found, is referring to a corpse discovered that was not buried at all lying in a field (Rambam). According to this explanation, the exclusion is referring to the entire mishna, as one is permitted to remove this body without taking its surrounding earth. Additionally, three corpses of this kind would not constitute a graveyard.

A corpse that is lacking – מֵת שֶׁחָסֵר: *Tosafot* inquire into the reason for this *halakha* and conclude that it is apparently a *halakha* learned by tradition, for which no justification is provided. The *Tosefta* in tractate *Oholot* defines the word: Lacking, in this context as missing a part whose absence would cause the death of a living person.

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NOTES

If one found three…they do not have the *halakha* of surrounding earth – מָצָא שְׁלִשָּׁה...אֵין לָהֶם תְּפוּסָה: This *halakha* is puzzling, as the *baraita* is referring to Jewish corpses. Why should the *halakha* of surrounding earth not apply to these corpses? Some commentaries cite an alternative version of the text, which states: They have surrounding earth and they do not have a graveyard. This follows the ruling of the *Tosefta*.

They said a graveyard only, etc. – לֹא אָמְרוּ שְׁכוּנַת קְבָרוֹת אֶלָּא וכו': Some commentaries explain that there is a tradition to this effect (Commentary on *Nazir*; *Tosafot*, citing Rashbam). Others maintain that if the place was recently designed to serve as a cemetery, all the corpses would be known, and if it was an ancient cemetery none of them would have been known. Since only two of the corpses are known or were discovered for the first time, they are simply considered two corpses found together, not part of a graveyard. As for the other corpses, it is possible that by chance they were buried in the same spot where others were interred.

One takes wood chips – נוֹטֵל אֶת הַקְּסָמִין: One explanation is that these splinters might be part of a rotted coffin. Some commentaries maintain that they might come from fragrant pieces of wood that were sometimes placed on graves (see *Tosafot* and Commentary on *Nazir*).

Lumps of earth – קְסָמוֹת: The concern is that these lumps might have been formed by the earth absorbing blood from the corpse (Commentary on *Nazir*). Alternatively, this term is referring to a worn-out piece of clothing or to spices placed alongside a corpse (*Tosafot*).

And he sets aside the uncertain – וּמַנִּיחַ אֶת הַסְּפֵקוֹת: However, one must set them aside in a protected place (Commentary on *Nazir*) so that others do not contract uncertain impurity (*Tosafot*). Some commentaries maintain that one may discard the aforementioned items that certainly did not absorb any part of the blood, e.g., wood chips, whereas one may leave the uncertain items together with the body in the fresh grave (Meiri; see Gra).

A full ladle of dust – מְלֹא תַרְוִיד עָפָר: The commentaries are puzzled by this ruling, as it was taught earlier (51a) that the *halakha* of a ladleful of dust applies only to a marble coffin, which is clearly not the case here. The Commentary on *Nazir* answers that the prior Gemara is referring to a single body buried in a wooden coffin, whereas here the Gemara is dealing with the question of whether the dust of one corpse can combine with that of another.

Others claim that this *halakha* refers to a marble coffin that broke, revealing dirt underneath it. In this situation, it is uncertain if the dirt is impure, while the remaining dust inside the marble coffin is considered a definite ladleful of dust from a corpse (Rosh). Yet others contend that there is no need to explain this case in such a contrived manner, as one can simply say that the Gemara here follows an alternative opinion with regard to the *halakha* of a ladleful of dust, one that is not accepted as *halakha* (Meiri; see Gra).

PERSONALITIES

Rabbi Yeshevav – רַבִּי יְשֶׁבָב: Rabbi Yeshevav was a third-generation *tanna* and scribe who was a disciple of Rabbi Yehoshua and a contemporary of Rabbi Akiva. He was exceedingly generous, to the extent that Rabbi Akiva criticized him for giving too much of his money to charity. Rabbi Yeshevav was one of the ten martyrs who were killed by the Romans during the bar Kokheva rebellion, and according to tradition, in his last message the ninety-year-old Sage told his disciples to support each other and uphold justice and peace. He was then thrown to the dogs and was denied burial (*Midrash Eleh Ezkera*).

מָצָא שְׁנַיִם, רֹאשׁוֹ שֶׁל זֶה בְּצַד מַרְגְּלוֹתָיו שֶׁל זֶה, וְרֹאשׁוֹ שֶׁל זֶה בְּצַד מַרְגְּלוֹתָיו שֶׁל זֶה – אֵין לָהֶן תְּפוּסָה, וְלֹא שְׁכוּנַת קְבָרוֹת. מָצָא שְׁלֹשָׁה, הָאֶחָד יָדוּעַ וּשְׁנַיִם תְּחִילָּה, אוֹ שְׁנַיִם תְּחִילָּה וּשְׁנַיִם יְדוּעִים – אֵין לָהֶם תְּפוּסָה, וְאֵין לָהֶם שְׁכוּנַת קְבָרוֹת.

The *baraita* further states: If one **found two** corpses, with **the head of this** one[H] **by the feet of that** one **and the head of that** one **by the feet of this** one, **they do not have** the *halakha* of **surrounding earth, nor** do they have the *halakha* of **a graveyard.** This is not the way Jews are buried, as corpses in a Jewish cemetery always face the same direction. If one **found three** corpses, **one** of which was previously **known,**[H] **while** the other **two** were found **for the first** time now, **or** if one found **two for the first** time **and two** that were **known, they do not have** the *halakha* of **surrounding** earth,[N] **and they** also **do not have** the *halakha* of **a graveyard.** One does not view these corpses as connected.

מַעֲשֶׂה בְּרַבִּי יֶשֶׁבָב שֶׁבָּדַק וּמָצָא שְׁנַיִם יְדוּעִין וְאֶחָד תְּחִילָּה, וּבִיקֵּשׁ לַעֲשׂוֹתָן שְׁכוּנַת קְבָרוֹת. אָמַר לוֹ רַבִּי עֲקִיבָא: כָּל שֶׁגָּעְתָּ – לָרִיק גָּעְתָּ, לֹא אָמְרוּ שְׁכוּנַת קְבָרוֹת אֶלָּא לִשְׁלֹשָׁה יְדוּעִין, אוֹ לִשְׁלֹשָׁה תְּחִילָּה.

The *baraita* relates: **An incident** occurred **involving Rabbi Yeshevav,**[P] **who examined and found two known** corpses **and one** corpse discovered **for the first** time, **and he wished to deem** the three corpses **a graveyard. Rabbi Akiva said to him: All your toil is in vain. They said** it is **a graveyard only**[N] in a case **of three known** corpses buried in one spot **or three** corpses found **for the first** time. However, if some were known and others were discovered for the first time, one does not combine them.

"נוֹטְלָן וְאֶת תְּפוּסָתָן". הֵיכִי דָּמֵי תְּפוּסָה? אָמַר רַב יְהוּדָה: אָמַר קְרָא "וּנְשָׂאתַנִי מִמִּצְרַיִם" – טוֹל עִמִּי.

§ The mishna taught that **he removes them and their surrounding** earth. The Gemara asks: **What are the circumstances** of **surrounding** earth? **Rav Yehuda said: The verse states** with regard to Jacob's instruction to Joseph to transfer his remains to Eretz Yisrael: **"You shall carry me out from Egypt"** (Genesis 47:30), which indicates: **Take** some earth out from Egypt **with me,** i.e., take the earth that is near the corpse.

וְכַמָּה שִׁיעוּר תְּפוּסָה? פֵּירֵשׁ רַבִּי אֶלְעָזָר בְּרַבִּי צָדוֹק: נוֹטֵל עָפָר תִּיחוֹחַ, וְחוֹפֵר בַּבְּתוּלָה שָׁלֹשׁ אֶצְבָּעוֹת.

The Gemara further asks: **And what is the measure of surrounding** earth? **Rabbi Elazar, son of Rabbi Tzadok, explained: One takes loose dirt** from near the corpse, as it is assumed it has been loosened by the blood and moisture from the corpse, **and digs virgin,** uncultivated, ground to a depth of **three fingerbreadths,** in case this earth has absorbed the blood.

מֵיתִיבִי: וְכַמָּה שִׁיעוּר תְּפוּסָה? פֵּירֵשׁ רַבִּי אֶלְעָזָר בְּרַבִּי צָדוֹק: נוֹטֵל אֶת הַקְּיסָמִין וְאֶת הַקְּסָסוֹת,

The Gemara **raises an objection** to this ruling from a different *baraita*: **And what is the measure of surrounding** earth? **Rabbi Elazar, son of Rabbi Tzadok, explained: One takes wood chips**[N] found nearby, which might have been part of the coffin, **and lumps** of earth[N] that might have absorbed the blood and moisture from a corpse.

וְזוֹרֵק אֶת הַוַּדַּאי, וּמַנִּיחַ אֶת הַסְּפֵקוֹת, וְהַשְּׁאָר מִצְטָרֵף לְרוֹב בִּנְיָנוֹ שֶׁל מֵת, וּלְרוֹבַע עֲצָמוֹת, לִמְלֹא תַרְוִיד עָפָר!

And he discards that which is **certainly** not from the corpse, e.g., stones. And **he sets aside the** items with regard to which it is **uncertain**[N] if they have a connection with the corpse. **And the rest,** i.e., anything that is apparently from the corpse, **combine to** reach the amount **of the majority of the structure of a corpse, or of a quarter-*kav* of bones,** or **of a full ladle of dust**[N] from a corpse. The remains of a corpse impart ritual impurity in a tent only if they meet one of those three qualifications. Anything which is apparently the remains of the corpse is considered dust of a corpse with regard to this *halakha*. In any event, it is clear that this *baraita* presents a different definition of surrounding earth.

HALAKHA

The head of this one, etc. – רֹאשׁוֹ שֶׁל זֶה וכו': If bodies were found lying one atop the other or in a row, the surrounding earth is removed, but one need not be concerned that a graveyard has been discovered (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:1).

If one found three, one of which was known, etc. – מָצָא שְׁלִשָּׁה, הָאֶחָד יָדוּעַ וכו': If one discovered two corpses, and one more corpse whose presence was previously known, the *halakha* of surrounding earth does apply to them, but the *halakha* of a graveyard does not apply (Rambam). This is in accordance with the ruling of Rabbi Akiva that all three corpses must have been previously unknown for the *halakha* of a graveyard to go into effect. The Rambam's text of the Gemara evidently read: They have surrounding earth (*Kesef Mishne*). The Rambam further indicates that if all three were known, the *halakha* of a graveyard does not apply, in accordance with the *Tosefta* rather than with the Gemara here (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:6).

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הוּא דְּאָמַר כִּי הַאי תַּנָּא, דְּתַנְיָא: וְכַמָּה שִׁיעוּר תְּפוֹסָה? אָמַר רַבִּי יוֹחָנָן מִשּׁוּם בֶּן עַזַּאי: נוֹטֵל עָפָר תִּיחוֹחַ וְחוֹפֵר בַּבִּתּוּלָה שָׁלֹשׁ אֶצְבָּעוֹת.

The Gemara answers: With regard to the first statement of Rabbi Elazar, it was **he who said in accordance with** the opinion of **that *tanna,*** ben Azzai, **as it is taught** in a *baraita*: **And how much is the measure of surrounding** earth? **Rabbi Yoḥanan says in the name of ben Azzai: One takes loose earth**[H] **and digs virgin** ground to a depth of **three fingerbreadths.**

"בּוֹדֵק הֵימֶנּוּ".

§ The mishna taught that one must **examine** the ground for up to twenty cubits **from that** spot where a corpse was found.

HALAKHA

One takes loose earth, etc. – נוֹטֵל עָפָר תִּיחוֹחַ וכו': One who finds a corpse must take all the loose earth from beneath it and dig a further three fingerbreadths into the uncultivated ground. All this dirt is called the surrounding earth of a corpse, in accordance with the opinion of Rabbi Yoḥanan in the name of ben Azzai (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:1).

Perek **IX**
Daf **65** Amud **b**

אָמַר רָבָא: בָּדַק וּפִנָּה, בָּדַק וּפִנָּה, בָּדַק וְאַשְׁכַּח – לָא הַאי מְפַנֵּי לֵיהּ גַּבֵּי הָנָךְ תְּרֵי, וְלָא הָנֵי תְּרֵי לְגַבֵּי הַאי חַד.

Rava said: With regard to one who **examined,** found a corpse, **and removed** it from its place, and again **examined** nearby, found another corpse, **and removed** it from its place as well, if he **examined** yet again **and discovered** a third corpse, **he does not move this** third one **alongside these two** he has already moved, as he now knows that this was a graveyard and the corpses were buried there intentionally. **And he does not** return **these two alongside this one** either, as he is not obligated to restore the corpses to their prior locations after they have been reburied.

HALAKHA

If one examined…and did not find – בָּדַק...וְלֹא מָצָא: If one found three corpses and examined twenty cubits around the bodies without finding additional corpses, those twenty cubits are pure, despite the fact that the corpses he discovered formed a graveyard (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 9:3, and see Ra'avad and *Kesef Mishne* there).

אִיכָּא דְּאָמְרִי, אָמַר רָבָא: כֵּיוָן שֶׁנִּתְּנָה רְשׁוּת לְפַנּוֹת – מְפַנֶּה לְהוֹן. וְלִישְׁוֵינְהוּ שְׁכוּנַת קְבָרוֹת! אָמַר רֵישׁ לָקִישׁ: עִילָּא מָצְאוּ וְטִיהֲרוּ אֶרֶץ יִשְׂרָאֵל.

There are those **who say** that **Rava said: Since permission was granted to move** the first and second corpses, one may therefore **move them** all, including the third one. The Gemara asks: **And let us deem them** part of **a graveyard.** Since three corpses were found buried together, there might be others in the vicinity. **Reish Lakish said: They found a pretext and deemed Eretz Yisrael ritually pure.** Since at that point there was just one corpse, the Sages were lenient and were not concerned about any further impurity. The Sages wished to avoid uncertain impurity because people were careful to observe the *halakhot* of ritual purity in Eretz Yisrael, and additional cases of uncertain impurity would be complicated to observe.

בָּדַק מֵעֲשָׂרִים אַמָּה וְלֹא מָצָא, מַאי? אָמַר רַב מְנַשְּׁיָא בַּר יִרְמְיָה אָמַר רַב: שְׁכוּנַת קְבָרוֹת. מַאי טַעֲמָא? אֲמַר רֵישׁ לָקִישׁ: עִילָּא מָצְאוּ וְטִיהֲרוּ אֶת אֶרֶץ יִשְׂרָאֵל.

The Gemara asks another question: If one **examined twenty cubits** from the location of those corpses **and did not find**[H] anything, **what is** the *halakha*?[N] **Rav Menashya bar Yirmeya says** that **Rav says:** This is **a graveyard.**[N] Those three corpses compose the graveyard and there is no concern for others. The Gemara asks: **What is the reason** for this ruling? Why is there no concern that there might be many more corpses in the surrounding area? Once again **Reish Lakish said: They found a pretext and deemed Eretz Yisrael ritually pure.** Eretz Yisrael is deemed pure in a case of uncertainty.

NOTES

If one examined…and did not find, what is the *halakha* – בָּדַק...וְלֹא מָצָא מַאי: One explanation is that this refers to someone who examined the earth in one direction without finding anything, and the question is whether he can assume that his search in other directions will produce similar results. Other commentaries maintain that the inquiry is whether one must dig into the ground until he reaches uncultivated turf or rock (*Tosafot*). Some are unsatisfied with both of these interpretations, as there is no logical reason why one should not check the other directions just because one search yielded no corpses. Similarly, the Rosh notes that it is already taught elsewhere that digging up earth is an essential part of the investigation. He therefore explains that the question refers to a situation when one examined all sides properly and found no other bodies. The Gemara is asking whether this is an indication that this site was not a cemetery at all, but merely a place where three corpses happened to be interred together (see Commentary on *Nazir* and Meiri).

Graveyard – שְׁכוּנַת קְבָרוֹת: According to most commentaries, this is meant as a leniency, i.e., one does not have to search farther or be concerned that his investigation was inadequate. Reish Lakish's statement with regard to ritual purity in Eretz Yisrael is cited in support of this lenient ruling. Some explain that it is assumed that this was the town's gravesite, and therefore there is no concern about locations on the other sides (Commentary on *Nazir*).

By contrast, the Rosh claims that this is a stringent ruling: Despite the failure to find an additional corpse the site is nevertheless considered a graveyard, from which a corpse may not be moved. He also omits the rest of the passage. Yet others suggest that this refers to a situation where a single corpse was discovered at the end of twenty cubits, and the Gemara's ruling is that this corpse may be relocated, as this is merely a graveyard, not a proper cemetery (*Birkat Rosh*).

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מתני׳ כָּל סְפֵק נְגָעִים בַּתְּחִילָּה טָהוֹר – עַד שֶׁלֹּא נִוַּדַּע לְטוּמְאָה. מִשֶּׁנִּוַּדַּע לְטוּמְאָה – סְפֵקוֹ טָמֵא.

MISHNA

Any case of **uncertainty** with regard to **leprous sores** is **initially** deemed **pure**[H] **until it is established that** it is a case **of ritual impurity. Once** it **has been determined** to be a case **of impurity, uncertainty** concerning **it is** deemed **impure.**[H]

גמ׳ מְנָא הָנֵי מִילֵּי? אֲמַר רַב יְהוּדָה אֲמַר רַב: אָמַר קְרָא ״לְטַהֵרוֹ אוֹ לְטַמְּאוֹ״. הוֹאִיל וּפָתַח [בּוֹ] הַכָּתוּב בְּטָהֳרָה תְּחִילָּה. אִי הָכִי, אֲפִילּוּ מִשֶּׁנִּוַּדַּע לְטוּמְאָה נַמִּי סְפֵקוֹ טָהוֹר!

GEMARA

The Gemara asks: **From where are these matters** derived? **Rav Yehuda said** that **Rav said: The verse states:** “This is the law of the plague of leprosy… **to pronounce it pure or to pronounce it impure**” (Leviticus 13:59). **Since the verse opened with purity first,** this teaches that any case of uncertainty concerning leprous sores is deemed pure. The Gemara asks: **If so,** if the *halakha* is based on this verse, then **even once** it **has been determined**[N] to be a case **of impurity, uncertainty** concerning **it** should be deemed **pure as well,** as this interpretation of the verse should apply to all cases of uncertainty with regard to leprosy.

אֶלָּא, כִּי אֵיתְמַר דְּרַב יְהוּדָה אֲמַר רַב – אַהָא אֵיתְמַר: אִם בַּהֶרֶת קָדְמָה לְשֵׂעָר לָבָן – טָמֵא, וְאִם שֵׂעָר לָבָן קוֹדֵם לְבַהֶרֶת – טָהוֹר. סָפֵק – טָמֵא. וְרַבִּי יְהוֹשֻׁעַ אָמַר: כֵּיהָה.

Rather, when this statement, **that Rav Yehuda** said that **Rav said, was stated, it was stated with regard to the following** dispute in a mishna concerning an uncertain leprous sore (*Nega’im* 4:11): **If** the **snow-white leprous sore** [***baheret***], which is one sign of leprosy, **preceded**[H] the **white hair,** which is another sign, **he is impure.** This *halakha* is stated in the Torah (see Leviticus 13:3). **And if** the **white hair preceded** the ***baheret*** he is **pure,** as this is not considered a sign of impurity. If there is **uncertainty** as to which came first, he is **impure.**[H] **And Rabbi Yehoshua said: *Keiha*.**[N]

מַאי כֵּיהָה? אָמַר רַב יְהוּדָה: כֵּיהָה וְטָהוֹר. וְדִילְמָא כֵּיהָה וְטָמֵא? אָמַר רַב יְהוּדָה אֲמַר רַב: אָמַר קְרָא ״לְטַהֵרוֹ אוֹ לְטַמְּאוֹ״ – הוֹאִיל וּפָתַח בּוֹ הַכָּתוּב בְּטָהֳרָה תְּחִילָּה.

The Gemara asks: **What is** the meaning of ***keiha*? Rav Yehuda said:** Rabbi Yehoshua **pronounced** the matter **unsolvable and** ruled it is **pure.** The Gemara further asks: **And perhaps** this means that he **pronounced** the matter **unsolvable and** ruled it is **impure? Rav Yehuda said** that **Rav said: The verse states: “To pronounce it pure or to pronounce it impure”** (Leviticus 13:59); **since the verse opened with purity first,** any case of uncertainty concerning leprous sores is deemed pure.

NOTES

If so, even once it has been determined, etc. – אִי הָכִי אֲפִילּוּ מִשֶּׁנִּוַּדַּע וכו׳: This proves that the verse cited by the Gemara does not serve as the source for this *halakha*. The simplest explanation for this *halakha* is that it is based on the principle of a presumptive status: As long as one has a particular status, this status continues until it is definitively changed. The fact that the *halakha* of this mishna is based upon this principle concerning presumptive status connects it to the previous mishna, which also invokes this principle by employing the phrase: There is a basis for anticipating the matter (*Shita Mekubbetzet*).

He said *keiha* – אָמַר כֵּיהָה: Most commentaries explain the word *keiha* as a verb, i.e., an action performed by Rabbi Yehoshua, and have a version of the text that omits the word: Said. Various interpretations have been offered for the meaning of this term. Early commentaries read the word as *kiha*, with the letter *kuf*, as opposed to *kaf* in the text here, meaning that he was persistent in his opinion. Alternatively, following the Aramaic root of the word, it means that he gathered or collected all the evidence he could muster for his ruling (Rabbeinu Azriel, cited in *Shita Mekubbetzet*). Others explain that he could not arrive at a conclusive ruling on the matter, and yet others explain that Rabbi Yehoshua brought his students together to vote on it (*Shita Mekubbetzet*).

Some accept the standard reading of *keiha* and explain it as an expression of rebuke, i.e., he reprimanded his disciples and refused to accept their opinion. A very different explanation is that *keiha* is referring to the affliction itself, and it indicates that the uncertain leprous sore is pure, in accordance with the verse (Leviticus 13:6): “And behold if the plague is dim [*keiha*]…then the priest shall pronounce him pure” (see Rosh).

HALAKHA

Any case of uncertainty with regard to leprous sores is initially deemed pure – כָּל סְפֵק נְגָעִים בַּתְּחִילָּה טָהוֹר: If any uncertain signs of leprous sores appear while the afflicted person is pure, he remains pure. For example, two people came before a priest; one had a possible leprous sore the size of a bean, while the other’s sore was larger, the size of a *sela* coin. The priest confined them for a week, at which point they each had a sore the size of a *sela*, and they do not remember who began the week with the smaller sore, so it is unknown whose affliction has spread. In this case, they are both pure due to the uncertainty (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara’at* 6:5).

Once it has been determined to be a case of impurity, uncertainty concerning it is deemed impure – מִשֶּׁנִּוַּדַּע לְטוּמְאָה סְפֵקוֹ טָמֵא: After one has been rendered impure, his uncertain leprous sore is impure, as in the following example: Two people with leprous sores came before a priest, one with a sore the size of a bean and the other with a sore the size of a *sela* coin. The priest confined them for a week, at the end of which he found that both sores had spread, and were now larger than a coin, and he declared them both impure. If they do not remember who began the week with the smaller sore, then even if their sores later decreased in size to that of a *sela*, i.e., one of their sores reverted to its initial size, they both remain impure until both sores decrease to the size of a bean. The fact that they are both impure means that they remain impure in uncertain cases (Rambam *Sefer Tahara*, *Hilkhot Tzara’at* 6:6).

If the snow-white leprous sore [*baheret*] preceded, etc. – אִם בַּהֶרֶת קָדְמָה וכו׳: The presence of white hair is a definitive sign of impurity only if its development came after the appearance of a *baheret*. If the white hair was present first, the *baheret* is not considered to be a definitive sign of impurity, and the afflicted individual is quarantined for a week (Rambam *Sefer Tahara*, *Hilkhot Tzara’at* 2:6).

If there is uncertainty, he is impure – סָפֵק טָמֵא: If there is uncertainty as to whether the *baheret* preceded the white hair or vice versa, the afflicted individual is impure. The Rambam writes that he is inclined to rule that this is merely an uncertain impurity (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara’at* 2:9).

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מתני׳ בְּשִׁבְעָה דְּרָכִים בּוֹדְקִין אֶת הַזָּב עַד שֶׁלֹּא נִזְקַק לַזִּיבָה: בְּמַאֲכָל, וּבְמִשְׁתֶּה, בְּמַשָּׂא, וּבִקְפִיצָה, וּבְחוֹלִי, וּבְמַרְאֶה, וּבְהִירְהוּר.

MISHNA This mishna discusses another case that includes the statement: There is a basis to anticipate the matter. **One examines a man who experienced a gonorrhea-like discharge** [*zav*][B] **in seven ways,**[H] **as long as he has not been confirmed as** having **a gonorrhea-like discharge** [*ziva*.] With regard to an individual's second such discharge, before he has been established as a greater *zav*, one examines to see whether there may have been a particular trigger of his discharge. One examines him **with regard to food and with regard to drink,** in case the discharge might have been the result of overeating or excess drinking; **with regard to a burden,** as it might have been caused by the weight of a heavy burden; **and with regard to jumping,** in case he jumped and this led to the discharge; **and with regard to sickness; and with regard to** an arousing **sight; and with regard to** the **thought**[N] of a woman.

מִשֶּׁנִּזְקַק לַזִּיבָה – אֵין בּוֹדְקִין אוֹתוֹ. אוֹנְסוֹ, וּסְפֵיקוֹ, וְשִׁכְבַת זֶרַע – טְמֵאִים, שֶׁרַגְלַיִם לַדָּבָר.

Once he has been confirmed as having a ***ziva,***[H] after two definite discharges of *ziva*, **one no** longer **examines him** in this way, as any discharge is deemed impure. If one experiences three discharges of *ziva*, he is obligated to bring an offering following his purification. Accordingly, **his** discharge that was due to **circumstances beyond his control,** i.e., for one of the seven reasons listed above, **and his** discharge about which it is **uncertain** if it is *ziva*, **and** even **his semen,**[H] which is not usually considered the discharge of a *zav*, **are** all **impure.** Why is this so? It is **because there is a basis for** anticipating **the matter.** Once he has the status of a *zav*, it can be assumed that subsequent discharges are of *ziva* as well.

הַמַּכֶּה אֶת חֲבֵירוֹ וַאֲמָדוּהוּ לְמִיתָה וְהֻקַּל מִמַּה שֶּׁהָיָה, לְאַחַר מִכָּאן הִכְבִּיד וּמֵת – חַיָּיב, רַבִּי נְחֶמְיָה אוֹמֵר: פָּטוּר, שֶׁרַגְלַיִם לַדָּבָר.

The Sages similarly taught: With regard to **one who strikes another**[H] with heavy blows, **and** doctors **assessed** that **he would die** as a result of the beating, **but his** health **improved from what it was,** so that they then determined that he would not die from his injuries, and **afterward** his condition **worsened and he died,** the one who struck him is **liable** to receive court-imposed capital punishment, as it is assumed that the victim's death was caused by the assault. **Rabbi Neḥemya says:** He is **exempt, because there is a basis for** anticipating **the matter.** Since the victim began to recover during his illness, it is reasonable to assume that his death was caused by a factor other than the assault.

גמ׳ מְנָא הָנֵי מִילֵּי. אָמַר רַבִּי נָתָן: אָמַר קְרָא ״וְהַזָּב אֶת זוֹבוֹ״ – לִרְאִיָּיה שְׁלִישִׁית אִיתְקַשׁ לִנְקֵיבָה.

GEMARA The Gemara asks: **From where are these matters** derived, that one examines a *zav* before he has been confirmed as having a *ziva*, but not after? **Rabbi Natan says** that **the verse states: "And the *zav* who has an issue** [***zav et zovo***], whether it is a man or a woman" (Leviticus 15:33). This teaches that after two discharges, corresponding to the words *zav* and *zovo*, with regard **to the third sighting,** when one is already a *zav*, the verse **juxtaposes** the *halakha* of a male to that **of a female:** Just as it makes no difference in the case of a female whether her discharge of menstrual blood was triggered by an external factor, as she is ritually impure regardless, once a male *zav* has the status of impurity, one no longer examines him to see if his discharge was triggered by an external factor.

HALAKHA

One examines a *zav* in seven ways – בְּשִׁבְעָה דְּרָכִים בּוֹדְקִין אֶת הַזָּב: One who experienced a discharge due to sickness or a similar factor is not impure as a *zav*, as the impurity of a *zav* must not be triggered by an external factor. The Sages said that one examines a *zav* in seven ways: To see whether he overate or he drank too much, or he ate or drank a substance that leads to a seminal emission; or he carried a heavy load; or he jumped from one place to another or had his body jarred in another manner; or he was sick; or he saw a woman and lusted after her; or he thought about sexual intercourse. If any of these happened before his discharge, it is assumed to be the cause, and he is not impure (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 2:2).

Once he has been confirmed as having a *ziva*, etc. – מִשֶּׁנִּזְקַק לַזִּיבָה וכו׳: A person experiencing a discharge that might be a *ziva* is examined after the first and second times. While he is impure for one day after the first discharge regardless of the cause, he is examined in order to determine whether it should count as the first of a potential three discharges. After the second discharge, the examination will determine whether he is impure for only one day, in the event that it was triggered by an external cause, or for seven days, in the event that it was not. If one who had been determined to be a *zav* impure for seven days experiences a third discharge, one no longer checks to see if it was triggered by an external factor, as he has already been declared a *zav* due to his second discharge, and therefore he is liable to bring an offering for the third discharge regardless (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 2:5).

And his semen – וְשִׁכְבַת זַרְעוֹ: The semen of a *zav* is a primary source of ritual impurity by Torah law (Rambam *Sefer Tahara*, *Hilkhot Metamei Mishkav UMoshav* 1:14).

One who strikes another, etc. – הַמַּכֶּה אֶת חֲבֵירוֹ וכו׳: If one strikes another and doctors assess that the assault will result in the victim's death, but the victim's health improved before it subsequently deteriorated and he died, the one who struck him is liable to receive court-imposed capital punishment. The court does not reassess the case when the victim's health improves, as there is a basis to assume that the beating caused his death. The Rambam rules in this manner because he had a version of the mishna that read: And the Rabbis render him liable as there is a basis for anticipating the matter, and the *halakha* is in accordance with the majority opinion (Rambam *Sefer Nezikim*, *Hilkhot Rotze'aḥ UShmirat HaNefesh* 4:5).

NOTES

And with regard to thought – וּבְהִירְהוּר: The commentaries explain that the difference between sight and thought is that sight refers to arousal precipitated by visual stimulation, while thought refers to arousal without precipitation by visual stimulation (Rambam; Rosh). Some explain that sight refers to arousal precipitated by actually seeing a man and woman engaged in sexual intercourse (Rabbeinu Todros). Alternatively, sight refers to becoming frightened through seeing something, thereby causing the discharge (Commentary on *Nazir*).

BACKGROUND

***Zav* – זָב:** The laws relating to the severe ritual impurity of a *zav* appear in Leviticus, chapter 15, and in tractate *Zavim*. The *zav* becomes ritually impure as a result of the secretion of a white, pus-like discharge from his penis. A man who experiences a discharge of this kind on one occasion becomes ritually impure for one day, like a man who experienced a seminal emission. If he experiences a second discharge on the same day or the following day, or if he experiences a prolonged initial discharge, he contracts the more severe ritual impurity of a *zav*, which lasts seven days. If he experiences a third discharge within the next twenty-four hours he is obligated to bring an offering as part of his purification process.

In the laws governing secretions of a *zav*, the cause and frequency of the discharge are halakhically significant. Before definitely determining a man as a *zav*, an effort is made to determine if the discharge can be attributed to some other physical or mental condition. Although the Sages distinguished between semen and discharge of a *zav*, this distinction is not always obvious. For this reason, it is possible that a particular discharge might not be that of a *zav* but an unintentional discharge, whose causes are listed in the mishna. A discharge is not considered a sign of a *zav* until it has been established as such by a repeated occurrence.

A *zava* is a woman who experiences a discharge of blood at a time other than her normal menstrual period. The *halakhot* of a *zava* are similar to those of a *zav*.

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וְהָתַנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: בַּשְּׁלִישִׁית – בּוֹדְקִין אוֹתוֹ, בָּרְבִיעִית – אֵין בּוֹדְקִין אוֹתוֹ! אֶלָּא בְּאֶתִּים קָמִיפַּלְגִי, רַבִּי אֱלִיעֶזֶר דָּרִישׁ אֶתִּים וְרַבָּנַן לָא דָּרְשִׁי אֶתִּים.

The Gemara asks: **But isn't it taught** in a mishna (*Zavim* 2:2) that **Rabbi Eliezer says: For the third** discharge **one** still **examines him; for the fourth**[N] discharge **one does not examine him.** Where does the verse allude to the fourth discharge? The Gemara answers: **Rather, they disagree with regard to** instances of the word "***et,***" i.e., whether or not the word "*et*" teaches an additional *halakha*, or whether it is written purely for syntactical reasons. **Rabbi Eliezer expounds** instances of the word "***et,***" and therefore he counts the phrase "*zav et zovo*" as three words referring to three discharges. **And the Rabbis do not expound** instances of the word "***et,***" which means that in their opinion this verse alludes to only two discharges.

"אוֹנְסוֹ וּסְפֵיקוֹ".

§ The mishna taught that **his** discharge that was due to **circumstances beyond his control, and his** discharge about which it is **uncertain** if it is *ziva*, are considered impure.

NOTES

For the fourth – בָּרְבִיעִית: If a *zav* has another discharge after he started counting his seven clean days of purification, one does not examine him, as this is also considered *ziva*.

Perek **IX**
Daf **66** Amud **a**

אָמַר רָבָא: לָא תֵּימָא סָפֵק חֲזָא סָפֵק לָא חֲזָא. אֶלָּא וַדַּאי חֲזָא, סָפֵק מֵחֲמַת שִׁכְבַת זֶרַע סָפֵק מֵחֲמַת רְאִיָּיה, כֵּיוָן שֶׁנִּזְקַק לְטוּמְאָה – סְפֵיקוֹ טָמֵא.

Rava said: Do not say that it is **uncertain** whether he **saw**[N] a discharge and **uncertain** whether he **did not see** one. The uncertainty is not with regard to whether he experienced a discharge at all. **Rather, he certainly saw a** discharge, but it is **uncertain** whether the discharge was **due to,**[N] i.e., defined as, an emission of **semen,** and it is **uncertain** whether the discharge was **due to** the **sighting** of *ziva*. In this case, **once he has been confirmed as being ritually impure** as a *zav*, **his uncertain** case is also **impure.**

"שִׁכְבַת זֶרַע טְמֵאָה". לְמַאי? אִילֵימָא לְמַגָּע, מִי גָּרַע מִשִּׁכְבַת זֶרַע דְּטָהוֹר? אֶלָּא זֶרַע שֶׁל זָב מְטַמֵּא בְּמַשָּׂא.

§ The mishna taught that **his semen is impure.** The Gemara asks: With regard **to what** *halakha* is the mishna stating that the semen of a *zav* is impure? **If we say** that this is referring **to** the impurity of **contact,** i.e., this semen renders one who touches it impure, there is no need to teach this *halakha*. **Is it** any **worse than the semen of a pure** man, which also imparts impurity through contact? **Rather,** the mishna is teaching that **the semen of a *zav* renders** people **impure** even **by carrying,** like the impurity of *ziva*.

מַאן שָׁמְעַתְּ לֵיהּ דְּאָמַר שִׁכְבַת זֶרַע שֶׁל זָב מְטַמֵּא בְּמַשָּׂא? אִילֵימָא הַאי תַּנָּא, דְּתַנְיָא, רַבִּי אֱלִיעֶזֶר אוֹמֵר: שִׁכְבַת זֶרַע שֶׁל זָב אֵינוֹ מְטַמֵּא בְּמַשָּׂא, וְרַבִּי יְהוֹשֻׁעַ אוֹמֵר: מְטַמֵּא בְּמַשָּׂא, לְפִי שֶׁאִי אֶפְשָׁר לָהּ בְּלֹא צִיחְצוּחֵי זִיבָה. אֲפִילּוּ רַבִּי יְהוֹשֻׁעַ לָא אָמַר אֶלָּא מִשּׁוּם צִיחְצוּחֵי זִיבָה, אֲבָל בְּעֵינֵיהּ – לָא אָמַר!

The Gemara asks: **Who did you hear that said that** the **semen of a *zav* renders** one **impure by carrying? If we say** it is **this *tanna*, as it is taught** in a *baraita* that **Rabbi Eliezer says: The semen of a *zav*[H] does not render** one **impure by carrying, and Rabbi Yehoshua says: It** does **render** one **impure by carrying, because it is impossible for** his semen **to be without droplets of *ziva*;** yet this source is no proof, as **even Rabbi Yehoshua said** that this semen imparts impurity by carrying **only due to the droplets of *ziva*** it contains. **However, he did not say** that semen **in its unadulterated** form renders people impure.

אֶלָּא אָמַר רַב אַדָּא בַּר אַהֲבָה: לוֹמַר שֶׁאֵין תּוֹלִין בָּהּ.

Rather, Rav Adda bar Ahava said: The mishna does not mean that the semen of a *zav* itself renders one impure by carrying. Rather, it comes **to say that one does not attribute** the *ziva* **to it.** Even if the man experienced a discharge within twenty-four hours of his ejaculation of semen, one does not say his discharge was triggered by a general weakening as a result of his seminal emission. Once the man has experienced two discharges of a *zav* he is an impure *zav*, and this third discharge is also considered *ziva*.

NOTES

Do not say that it is uncertain whether he saw – לָא תֵּימָא סָפֵק חֲזָא: One would not declare him a full-fledged *zav* based on an uncertainty of this kind, and he would not be obligated to bring an offering nor to negate the clean days he had counted. Rather, the uncertainty concerns the nature of his discharge (Commentary on *Nazir*). It is stated in the Jerusalem Talmud that Rava's explanation is the correct one.

Uncertain whether it was due to, etc. – סָפֵק מֵחֲמַת וכו': It is indicated in the Jerusalem Talmud that the uncertainty is whether it is a seminal emission or a *ziva*. Others explain that it refers to one who saw both substances, but it is unclear whether he saw the *ziva* and the seminal emission separately, in which case he is impure for seven days, or whether they were mixed together, which would mean that his impurity lasts only one day (*Tosafot*). Some commentaries explain that he saw both of them but is unsure which came first. If the seminal emission occurred first then the *ziva* is discounted, whereas if the *ziva* was first he is an impure *zav* (Rosh).

HALAKHA

The semen of a *zav* – שִׁכְבַת זֶרַע שֶׁל זָב: The semen of a *zav* imparts impurity as a primary source of impurity by contact and carrying, as it inevitably contains droplets of *ziva*. The *halakha* is in accordance with the opinion of Rabbi Yehoshua (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 1:14).

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סְבַר רַב פַּפָּא קַמֵּיהּ דְּרָבָא לְמֵימַר: אַיְידֵי חוּלְשָׁא הוּא דַּחֲזֵי. אֲמַר לֵיהּ רָבָא: וְהָתְנַן, גֵּר שֶׁנִּתְגַּיֵּיר – מִטַּמֵּא מִיָּד בְּזִיבָה! אֲמַר לֵיהּ: אֵין לְךָ חוֹלִי גָּדוֹל מִזֶּה.

When he was **before Rava, Rav Pappa thought to say** the following explanation for this *halakha*: **Since he sees** his discharges **out of the weakness**[N] brought about from his previous *ziva*, it can be assumed that any later discharge, even one that follows a seminal emission, is *ziva*. **Rava said to him: But didn't we learn** in a mishna (*Zavim* 2:3): **A convert who** has just **converted**[H] **can immediately become impure as a *zav*.** Even if he had a seminal emission as a gentile, subsequently converted, and then experienced the discharge of a *zav*, one does not associate the discharge of a *zav* with the earlier emission of semen. Rather, it is treated as the first discharge of a *zav*. In this case there is no prior weakness of a *zav* to speak of, and nevertheless the convert is impure as a *zav*. Rav Pappa **said to** Rava: **There is no greater illness than this.**[N] The very acceptance of mitzvot can be considered an illness, as the burden of mitzvot is a weighty matter. For this reason, one does not ascribe a discharge of a *zav* to the earlier emission of semen.

אֶלָּא, תַּנָּאֵי הִיא. דְּתַנְיָא: שִׁכְבַת זֶרַע שֶׁל זָב מְטַמֵּא בְּמַשָּׂא כָּל מֵעֵת לְעֵת, וְרַבִּי יוֹסֵי אוֹמֵר: יוֹמוֹ.

The Gemara comments: **Rather,** the possibility rejected earlier, that the mishna means that semen of a *zav* imparts impurity by carrying, **is** a dispute between ***tanna'im*,**[N] **as it is taught** in a *baraita*: **The semen of a *zav* renders** one **impure by carrying** like the regular discharge of a *zav* **for** a twenty-four hour **period.** In other words, if a *zav* experienced a seminal emission within twenty-four hours of a *ziva*, the seminal emission does not impart impurity only through contact in the manner of the semen of a pure individual, but by carrying as well. **And Rabbi Yosei says** that it imparts impurity by carrying only on **its day,** i.e., if the seminal emission was before the evening of the day of the *ziva*. As opposed to Rabbi Eliezer and Rabbi Yehoshua cited earlier, these *tanna'im* both maintain that the semen of a *zav* imparts impurity by carrying like *ziva* does.

בְּמַאי קָמִיפַּלְגִי – בְּדִשְׁמוּאֵל. דִּשְׁמוּאֵל רָמֵי: כְּתִיב ״כִּי יִהְיֶה בְךָ אִישׁ אֲשֶׁר לֹא יִהְיֶה טָהוֹר מִקְרֵה לַיְלָה״ וּכְתִיב ״לִפְנוֹת עֶרֶב יִרְחַץ בַּמָּיִם״.

The Gemara asks: **With regard to what do** the first *tanna* and Rabbi Yosei **disagree?** What is the basis of their dispute? The Gemara answers: They disagree **with regard to** the following issue discussed **by Shmuel, as Shmuel raises a contradiction: It is written: "If there be among you any man who is not pure, by reason of that which chances him by night,** then shall he go abroad out of the camp, he shall not come within the camp" (Deuteronomy 23:11). This verse is applied to a *zav* who experienced a seminal emission. **And it is written: "When evening comes on, he shall bathe himself in water,** and when the sun is down, he may come within the camp" (Deuteronomy 23:12).

מַאן דְּאָמַר מֵעֵת לְעֵת – דָּיֵיק מִ״לִפְנוֹת עֶרֶב״. וְאִידָךְ דָּיֵיק ״מִקְרֵה לַיְלָה״.

The Gemara explains the dispute. **The one who says** that the semen of a *zav* imparts impurity by carrying **for** a twenty-four hour **period** after experiencing a *ziva* **infers from** the phrase **"when evening comes on"**[N] that the period can involve two evenings, as "comes on" indicates another evening. If so, the semen imparts impurity by carrying for a full twenty-four hour period. **And the other** Sage, Rabbi Yosei, **infers** from the expression **"by reason of that which chances him by night"**[N] that the seminal emission imparts impurity by carrying only until that night, i.e., until the end of the day on which the man experienced the *ziva*.

וּמַאן דְּאָמַר מִ״לִפְנוֹת עֶרֶב״. הָכְתִיב ״מִקְרֵה לַיְלָה״! אָמַר לָךְ: אוֹרְחָא דְּקָרֵי לְמַתְיָא בְּלֵילְיָא.

The Gemara asks: **But** according to **the one who says** that this *halakha* is derived from **"when evening comes on," isn't it written: "By reason of that which chances him by night"?** The Gemara answers: He could have **said to you** that this verse affords no proof, as it is referring to the usual case and **it is the manner of a seminal emission to occur at night.** Consequently, one cannot derive a *halakha* from this expression.

NOTES

Since he sees out of weakness – אַיְידֵי חוּלְשָׁא הוּא דַּחֲזֵי: The early commentaries have several different versions of this passage, which are reflected in their interpretations. The Meiri cites four possible readings of this text. According to some commentaries, Rav Pappa is explaining that the reason why the semen of a *zav* renders one impure is that there is a basis to assume that the weakened state of a *zav* is the cause of all his discharges (Commentary on *Nazir*). Others maintain that Rav Pappa is referring to the *halakha* that the discharge of a *zav* that follows a seminal emission is considered the result of an external factor. His reasoning is that the body is weak after a seminal emission, and this causes the discharge of a *zav* (*Tosafot*).

There is no greater illness than this – אֵין לְךָ חוֹלִי גָּדוֹל מִזֶּה: The convert's incorporation into the Jewish people and his acceptance of the burden of mitzvot that accompanies it is as great a transformation and psychological upheaval as any illness, and can be powerful enough to have a physical effect. In keeping with the standard version of the text, some commentaries maintain that this is Rav Pappa's response to Rava's question: It is the conversion itself that causes his weakness, not the seminal emission, and therefore it is assumed that the discharge was that of a *zav* (Commentary on *Nazir*). Others read: But why? There is no greater illness than this. According to this version, this statement is a continuation of Rava's difficulty against the opinion of Rav Pappa: If weakness is accepted as a causative factor, nothing causes greater weakness than this change of identity, and one should therefore consider the discharge to be the result of illness (*Tosafot*; Rosh).

Rather it is a dispute between *tanna'im* – אֶלָּא תַּנָּאֵי הִיא: The term: Rather, indicates a retraction from the previous explanation. Some commentaries maintain that the Gemara here reverts to its initial assumption that the semen of a *zav* imparts impurity by carrying. Although their opinion contradicts that of Rabbi Eliezer and Rabbi Yehoshua, the *tanna'im* in the subsequent *baraita* maintain that this semen imparts impurity through carrying by Torah law (Commentary on *Nazir*). Others contend that this is part of Rava's statement, i.e., Rava is claiming that the reason one does not attribute the discharge of this *zav* to his earlier seminal emission is not due to weakness but is derived from a verse from which various details of these *halakhot* are learned (*Tosafot*; Rosh). However, these commentaries also agree that, according to this opinion, the mishna is referring to the *halakha* that the semen of a *zav* renders items impure by carrying, which is not in accordance with Rav Adda bar Ahava's explanation.

Infers from, when evening comes on – דָּיֵיק מִלִּפְנוֹת עֶרֶב: The Commentary on *Nazir* explains that the term "comes on" in and of itself signifies the end of the day (see Jeremiah 6:4). By adding the term "evening," the verse must be speaking both of the end of the day and of the evening, which together compose a twenty-four-hour period.

And the other infers from, by reason of that which chances him by night – וְאִידָךְ דָּיֵיק מִקְרֵה לַיְלָה: Rabbi Yosei learns from here that this impurity extends only until nightfall (Commentary on *Nazir*). The Gemara does not address the question of how Rabbi Yosei interprets "when evening comes on." Some commentaries state that he expounds this phrase as referring to the related *halakha* of a seminal emission that occurs before a *ziva*. This emission is considered to be the cause for any *ziva* that occurs in the next twenty-four hours (*Tosafot*). Alternatively, just as the first *tanna* maintains that the phrase "which chances him by night" is referring to the usual case, so too, Rabbi Yosei contends that the phrase "when evening comes on" is merely ordinary speech, from which nothing can be inferred (Rabbi Shimshon of Saens on *Zavim* 2:3).

HALAKHA

A convert who just converted, etc. – גֵּר שֶׁנִּתְגַּיֵּיר וכו': One who experiences a seminal emission cannot become impure as a *zav* for the next twenty-four hours, as any ensuing discharge is attributed to weakness following his seminal emission. However, if a gentile had a seminal emission and then converted, he can immediately become impure as a *zav*. If he was circumcised before his conversion, one attributes his discharge to his circumcision, as long as he is still recovering from it (Rambam *Sefer Korbanot*, *Hilkhot Meḥusrei Kappara* 2:3–4 and *Kesef Mishne* there).

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HALAKHA

Samuel was a nazirite – נָזִיר הָיָה שְׁמוּאֵל: The prophet Samuel was a permanent nazirite. Consequently, if one says: I am hereby like Samuel the Ramathite, or: I am hereby like the son of Hannah, or: Like the son of Elkanah, or: Like the one who killed Agag in Gilgal, all of which refer to Samuel, he is a permanent nazirite (Rambam *Sefer Hafla'a*, *Hilkhot Nezirut* 3:16).

LANGUAGE

Razor [*mora*] – מוֹרָה: From the Septuagint onward, most biblical commentaries interpret *mora* as referring to iron or a razor. However, Targum Yonatan translates *mora* in a similar manner as *marut*, meaning authority or control. Some commentaries interpret *mora* as though it were written with the letter *alef* at the end, meaning fear or awe.

PERSONALITIES

Ḥiyya bar Rav – חִיָּיא בַּר רַב: Ḥiyya bar Rav was a second-generation Babylonian *amora*. Although Rav had additional descendants, only Ḥiyya followed in his footsteps and became one of the prominent Sages of his generation.

It is known that during Rav's lifetime as well as after his death, his students looked after Ḥiyya. Even Rav's close friend, Shmuel, treated Ḥiyya fondly, due to his relationship with his father. Rav loved his son dearly and took great pleasure in his son's wisdom, even when the latter was a child. Since Ḥiyya suffered from ill health, Rav gave him medical advice at various times. Ḥiyya's son, Rav Shimi bar Ḥiyya, was one of the great *amora'im* of the next generation.

מתני׳ נָזִיר הָיָה שְׁמוּאֵל, כְּדִבְרֵי רַבִּי נְהוֹרַאי, שֶׁנֶּאֱמַר ״וּמוֹרָה לֹא יַעֲלֶה עַל רֹאשׁוֹ״. נֶאֱמַר בְּשִׁמְשׁוֹן ״וּמוֹרָה״ וְנֶאֱמַר בִּשְׁמוּאֵל ״וּמוֹרָה״. מַה מוֹרָה הָאֲמוּרָה בְּשִׁמְשׁוֹן – נָזִיר, אַף מוֹרָה הָאֲמוּרָה בִּשְׁמוּאֵל – נָזִיר.

MISHNA The tractate concludes with an aggadic statement about nazirites. **Samuel** the prophet **was a nazirite,**[H] **in accordance with the statement of Rabbi Nehorai, as it was stated** that when Hannah, his mother, prayed for a son, she vowed: "**And no *mora* shall come upon his head**" (1 Samuel 1:11). How is it derived that *mora* is an expression of naziriteship? **It is stated with regard to Samson: "And** no **razor** [***mora***][L] shall come upon his head, for the child shall be a nazirite to God" (Judges 13:5), **and it is stated: "And** no ***mora*," with regard to Samuel. Just as** the term "***mora*" that is stated with regard to Samson** means that he was **a nazirite, so too** the term "***mora*" that is stated with regard to Samuel** indicates that he was **a nazirite.**

אָמַר רַבִּי יוֹסֵי: וַהֲלֹא אֵין מוֹרָה אֶלָּא שֶׁל בָּשָׂר וָדָם! אֲמַר לֵיהּ רַבִּי נְהוֹרַאי: וַהֲלֹא כְּבָר נֶאֱמַר ״וַיֹּאמֶר שְׁמוּאֵל אֵיךְ אֵלֵךְ וְשָׁמַע שָׁאוּל וַהֲרָגָנִי״ – שֶׁכְּבָר הָיְתָה עָלָיו מוֹרָא שֶׁל בָּשָׂר וָדָם.

Rabbi Yosei said: But doesn't the word "***mora***" mean **nothing other** than the fear **of flesh and blood?** The word should be read as though it were written with an *alef*, and not a *heh*, so that it means fear. **Rabbi Nehorai said to him: But isn't it already stated: "And Samuel said: How can I go; if Saul hears it he will kill me"** (1 Samuel 16:2). This verse indicates **that there was fear of flesh and blood upon** Samuel. Consequently, the term *mora* must be understood in accordance with its plain meaning of a razor. If so, Samuel was indeed a nazirite.

גמ׳ אֲמַר לֵיהּ רַב לְחִיָּיא בְּרֵיהּ:

GEMARA **Rav said to his son Ḥiyya:**[P]

Perek **IX**
Daf **66** Amud **b**

HALAKHA

Seize the opportunity and recite a blessing – חֲטוֹף וּבְרִיךְ: It is appropriate to make an effort to be designated to receive the cup of blessing in order to lead the *zimmun* before the Grace after Meals, in accordance with Rav Huna's advice to his son (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 201:4).

PERSONALITIES

Rabba bar Rav Huna – רַבָּה בַּר רַב הוּנָא: Rabba bar Rav Huna, a third-generation Babylonia *amora*, was old enough to learn Torah from Rav, in whose name he transmitted several *halakhot*. Rabba bar Rav Huna was a preeminent disciple of his father, Rav Huna, and there are several instances in the Talmud where Rav Huna gives practical halakhic guidance to his son. A judge in the city of Sura after the death of his father, Rabba bar Rav Huna was a disciple-colleague of Rav Ḥisda and a colleague of Rava and Rav Naḥman.

NOTES

The one who answers amen is greater – גָּדוֹל הָעוֹנֶה אָמֵן: Some commentaries explain that one who answers amen listens carefully to the entire blessing, and therefore he sometimes pays greater attention than the one who actually recites the blessing (Meiri). Alternatively, the reason he is considered greater is because he completes the blessing (*Shita Mekubbetzet*). Yet others suggest that one who answers amen fulfills two mitzvot, as according to the *halakha* one who listens is considered to have pronounced the blessing itself; consequently, he has recited a blessing and added amen as well (*Birkat Rosh*).

חֲטוֹף וּבְרִיךְ. וְכֵן אֲמַר לֵיהּ רַב הוּנָא לְרַבָּה בְּרֵיהּ: חֲטוֹף וּבְרִיךְ.

Seize the opportunity **and** quickly **recite a blessing**[H] over the cup of blessing for the Grace after Meals. **And similarly, Rav Huna said to his son, Rabba:**[P] **Seize** the opportunity **and recite a blessing.**

לְמֵימְרָא דִּמְבָרֵךְ עֲדִיף? וְהָתַנְיָא, רַבִּי יוֹסֵי אוֹמֵר: גָּדוֹל הָעוֹנֶה ״אָמֵן״ יוֹתֵר מִן הַמְבָרֵךְ. וְאָמַר לוֹ רַבִּי נְהוֹרַאי: הַשָּׁמַיִם! כָּךְ הוּא. תֵּדַע, שֶׁהֲרֵי גּוּלְיָירִים מִתְגָּרִין בַּמִּלְחָמָה וּגְבוֹרִים נוֹצְחִין!

The Gemara asks: **Is this to say that one who recites a blessing is preferable** to one who answers amen? **But isn't it taught** in a *baraita* that **Rabbi Yosei says: The one who answers amen is greater**[N] **than the one who recites the blessing? And Rabbi Nehorai said to him: By Heavens, it is so. Know** that this is true, **as the military assistants** [***gulyarim***][L] descend to the battlefield and **initiate the war and the mighty** follow them and **prevail.** The amen that follows a blessing is compared to the mighty who join the war after the assistants, illustrating that answering amen is more significant than reciting the initial blessing.

LANGUAGE

Military assistants [*gulyarim*] – גּוּלְיָירִים: Possibly from Greek or from the Latin galearius, meaning a soldier's servant. Its imagery is based on the strategy of ancient armies, which would first dispatch light regiments to harass the enemy and then deploy heavy battalions comprised of legions of mighty warriors who would determine the outcome of the battle. In the Roman army, the first line of soldiers, referred to as the Histati, were generally the weaker soldiers who were not as well equipped as the rest of the legion. The army would allow this line to be penetrated, after which the stronger soldiers would attack.



Reenactment of the first line of Roman soldiers on the attack

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תַּנָּאֵי הִיא, דִּתַנְיָא: אֶחָד הַמְבָרֵךְ וְאֶחָד הָעוֹנֶה ״אָמֵן״ בְּמַשְׁמַע, אֶלָּא שֶׁמְּמַהֲרִין לְמָבָרֵךְ תְּחִילָּה.

The Gemara responds: This **is** a dispute between ***tanna'im*, as it is taught** in a *baraita*: **Both the one who recites a blessing and the one who answers amen**[H] **are included** among those who "stand up and bless" (Nehemiah 9:5), **but one hurries to first** reward **the one who recites the blessing.** This *baraita* apparently holds that reciting the blessing is greater than answering amen.

אָמַר רַבִּי אֶלְעָזָר אָמַר רַבִּי חֲנִינָא: תַּלְמִידֵי חֲכָמִים מַרְבִּים שָׁלוֹם בָּעוֹלָם, שֶׁנֶּאֱמַר ״וְכָל בָּנַיִךְ לִמּוּדֵי ה׳ וְרַב שְׁלוֹם בָּנָיִךְ״.

Rabbi Elazar said that **Rabbi Ḥanina said: Torah scholars increase peace in the world, as it is stated: "And all your children** [***banayikh***] **shall be taught of the Lord, and great shall be the peace of your children"** (Isaiah 54:13). The Sages interpreted this verse homiletically: Do not read it as: "Your children [*banayikh*]," but as: Your builders [*bonayikh*]. Torah scholars are those who build peace for their generation.

הדרן עלך הגוים אין להם נזירות
וסליקא לה מסכת נזיר

HALAKHA

Both the one who recites a blessing and the one who answers amen – אֶחָד הַמְבָרֵךְ וְאֶחָד הָעוֹנֶה אָמֵן: Whoever answers amen to the recitation of a blessing is considered to have said the blessing himself. Some authorities (*Magen Avraham*) state that although the one who answers amen does as important an act as the one who recites the blessing and receives an equal reward, nevertheless, the one who recites the blessing is rewarded first (Rambam *Sefer Ahava*, *Hilkhot Berakhot* 1:11; *Shulḥan Arukh*, *Oraḥ Ḥayyim* 201:4).

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Summary of **Perek IX**

In this chapter, the Gemara concluded that gentiles cannot undertake a vow of naziriteship, although it is permitted for them to sacrifice some of the offerings associated with it. Canaanite slaves are categorized as Jews with respect to naziriteship obligations. However, their masters can prevent them from observing this vow in practice, in which case the Canaanite slave must wait until he is emancipated before he can fulfill it. A married woman can accept naziriteship upon herself, but under certain circumstances her husband can nullify the vow and thereby absolve her from any obligation to fulfill it.

A case can arise where a nazirite discovers his impurity only after the completion of his term. If the impurity in this situation was imparted by a grave in the depths, i.e., if the grave was unknown to anyone, the nazirite's term is not negated. However, if the impurity could have been known, whether or not one can determine it was known in practice, his term is negated, and he must restart his naziriteship once he is purified. The leniency of the *halakha* of impurity imparted by a grave in the depths applies both to a nazirite, in that his term is not negated, and to an individual on his way to bring a Paschal offering, in that he need not bring an offering on the second *Pesaḥ*.

This topic led to discussion in the Gemara about other cases involving uncertain impurity. With regard to impurity imparted by a corpse, the chapter addressed the issue of how to relocate a grave that has been discovered, including the size of the radius that must be examined outward from the grave to ascertain if there are other graves nearby.

On a separate note, if an individual has not yet been determined to be a leper or a *zav*, the *halakha* is generally lenient in a situation where he might have been rendered impure. However, once one is definitely a leper or a *zav*, cases of uncertainty are treated stringently. In light of this ruling, the chapter examines a case where an individual beat another and the victim was diagnosed as fatally injured. If the victim improves but subsequently deteriorates and dies, one attributes his death to the beating and not to another factor.

The chapter and the tractate as a whole end with aggadic statements praising a nazirite and a discussion as to whether the great prophet Samuel was a nazirite.

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Common **Acronyms**

Since the publication of the first volume of the *Koren Talmud Bavli* we have employed some transliterated acronyms, such as Rambam, to give the translation a more authentic flavor. These acronyms are used throughout this volume where they are well known and where the acronym helps readers easily identify the author in question. The following chart provides the full name of each author or work alongside its common acronym.

Acronym	Full Name
HaAri	Rabbi Yitzḥak Luria
Baḥ	*Bayit Ḥadash*
Beur HaGra	Commentary of Rabbi Eliyahu of Vilna on the *Shulḥan Arukh*
Derashot Mahari Mintz	Homilies of Rabbi Yehuda Mintz
Derashot Ra'anaḥ	Homilies of Rabbi Eliyahu ben Ḥayyim
Geranat	Rabbi Naftali Trop
Gilyon Maharsha	Marginalia of Rabbi Shlomo Eiger
Gra	Rabbi Eliyahu of Vilna, the Vilna Gaon
Grib	Rabbi Yehuda Bakhrakh
Griz	Rabbi Yitzḥak Ze'ev Soloveitchik
Haggahot HaGra	Comments of Rabbi Eliyahu of Vilna on the Talmud
Haggahot Maharsha	Comments of Rabbi Shmuel Eliezer Eidels
Hassagot HaRa'avad	Comments of Rabbi Avraham ben David on the Rambam's *Mishne Torah*
Ḥida	Rabbi Ḥayyim David Azulai
Ḥiddushei Aggadot LaMaharal	*Ḥiddushei Aggadot* by Rabbi Yehuda Loew of Prague
Ḥiddushei Aggadot LaRashba	*Ḥiddushei Aggadot* by Rabbi Shlomo ben Adderet
Ḥiddushei HaGeranat	*Ḥiddushei* Rabbi Naftali Trop
Ḥiddushei HaGriz	*Ḥiddushei* Rabbi Yitzḥak Ze'ev Soloveitchik
Ḥiddushei HaRim	*Ḥiddushei* Rabbi Yitzḥak Meir of Gur
Ḥiddushei Ri Ḥaver	*Ḥiddushei* Rabbi Yitzḥak Isaac Ḥaver
Kitzur Piskei HaRosh	Abridged Halakhic Rulings of Rabbeinu Asher ben Rabbi Yeḥiel
Mabit	Rabbi Moshe ben Yosef di Trani
Maharal	Rabbi Yehuda Loew of Prague
Maharam Alashkar	Rabbi Moshe Alashkar

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Acronym	Full Name
Maharam Brisk	Rabbi Mordekhai Brisk
Maharam Ḥalawa	Rabbi Moshe Ḥalawa
Maharam Lublin	Rabbi Meir of Lublin
Maharam Mintz	Rabbi Moshe Mintz
Maharam of Rothenburg	Rabbi Meir of Rothenburg
Maharam Padua	Rabbi Meir of Padua
Maharam Schick	Rabbi Moshe Schick
Maharam Schiff	Rabbi Meir Schiff
Maharatz Ḥayyut	Rabbi Tzvi Hirsch Chajes
Mahari Abuhav	Rabbi Yitzḥak Abuhav
Mahari Bassan	Rabbi Yeḥiel Bassan
Mahari Beirav	Rabbi Ya'akov Beirav
Mahari ben Lev	Rabbi Yosef ben Lev
Mahari ben Malkitzedek	Rabbi Yitzḥak ben Malkitzedek
Mahari Berona	Rabbi Yisrael Berona
Mahari Kurkus	Rabbi Yosef Kurkus
Mahari Mintz	Rabbi Yehuda Mintz
Mahari Weil	Rabbi Ya'akov Weil
Mahariḥ	Rabbi Yeḥezkia ben Ya'akov of Magdeburg
Maharik	Rabbi Yosef Colon
Maharikash	Rabbi Ya'akov Castro
Maharil	Rabbi Ya'akov HaLevi Molin
Maharit	Rabbi Yosef di Trani
Maharit Algazi	Rabbi Yom Tov Algazi
Maharsha	Rabbi Shmuel Eliezer Eidels
Maharshal	Rabbi Shlomo Luria
Malbim	Rabbi Meir Leibush ben Yeḥiel Michel Wisser
Netziv	Rabbi Naftali Tzvi Yehuda Berlin
Nimmukei HaGrib	Comments of Rabbi Yehuda Bakhrakh on the Maharsha
Piskei HaRid	Halakhic Rulings of Rabbi Yeshaya di Trani the Elder
Piskei Riaz	Halakhic Rulings of Rabbi Yeshaya di Trani the Younger
Ra'ah	Rabbi Aharon HaLevi
Ra'anaḥ	Rabbi Eliyahu ben Ḥayyim
Ra'avad	Rabbi Avraham ben David
Ra'avan	Rabbi Eliezer ben Natan
Ra'avya	Rabbi Eliezer ben Yoel HaLevi
Rabbi Avraham ben HaRambam	Rabbi Avraham, son of the Rambam
Rabbi Shlomo ben Rashbatz	Rabbi Shlomo, son of Rabbi Shimon ben Tzemaḥ Duran
Radak	Rabbi David Kimḥi

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Acronym	Full Name
Radbaz	Rabbi David ben Zimra
Ralbag	Rabbi Levi ben Gershon
Ramah	Rabbi Meir HaLevi
Rambam	Rabbi Moshe ben Maimon
Ramban	Rabbi Moshe ben Naḥman
Ran	Rabbeinu Nissim ben Reuven of Gerona
Rashash	Rabbi Shmuel Strashun
Rashba	Rabbi Shlomo ben Adderet
Rashbam	Rabbi Shmuel ben Meir
Rashbatz	Rabbi Shimon ben Tzemaḥ Duran
Rashi	Rabbi Shlomo Yitzḥaki
Razah	Rabbi Zeraḥya HaLevi
Re'em Horowitz	Rabbi Elazar Moshe Horowitz
Rema	Rabbi Moshe Isserles
Ri HaLavan	Rabbeinu Yitzḥak ben Ya'akov of Prague
Ri Ḥaver	Rabbi Yitzḥak Isaac Ḥaver
Ri Migash	Rabbi Yosef Migash
Riaf	Rabbi Yoshiya Pinto
Riaz	Rabbi Yeshaya di Trani the Younger
Rid	Rabbi Yeshaya di Trani the Elder
Ridvaz	Rabbi Ya'akov David ben Ze'ev Wilovsky
Rif	Rabbi Yitzḥak Alfasi
Rim	Rabbi Yitzḥak Meir of Gur
Ritva	Rabbi Yom Tov ben Avraham Asevilli (of Seville)
Riva	Rabbeinu Yitzḥak ben Asher
Rivam	Rabbi Yitzḥak ben Meir
Rivan	Rabbi Yehuda bar Natan
Rivash	Rabbi Yitzḥak ben Sheshet
Rosh	Rabbeinu Asher ben Rabbi Yeḥiel
Shakh	*Siftei Kohen* by Rabbi Shabtai Cohen Rappaport
Shas	The Six Orders of the Mishna
She'elat Ya'avetz	Responsa of Rabbi Ya'akov Emden
Shela	*Shenei Luḥot HaBerit* by Rabbi Yeshaya HaLevi Horowitz
Siddur Rashi	Siddur compiled by Rashi's students
Sma	*Sefer Meirat Einayim* by Rabbi Yehoshua Falk
Smag	*Sefer Mitzvot Gadol* by Rabbi Moshe of Coucy
Smak	*Sefer Mitzvot Katan* by Rabbi Yitzḥak ben Yosef of Corbeil
Talmid HaRa'ah	A student of Rabbi Aharon HaLevi
Talmid HaRashba	A student of Rabbi Shlomo ben Adderet

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Acronym	Full Name
Tashbetz	Responsa of Rabbi Shimon ben Tzemaḥ Duran
Taz	*Turei Zahav* by Rabbi David HaLevi
Tosefot HaRosh	*Tosefot* of Rabbeinu Asher ben Rabbi Yeḥiel
Tosefot Ri HaLavan	*Tosefot* of Rabbeinu Yitzḥak ben Ya'akov of Prague
Tosefot Rid	*Tosefot* of Rabbi Yeshaya di Trani the Elder
Tur	*Sefer HaTurim* by Rabbi Ya'akov ben Asher
Tzlaḥ	*Tziyyun LeNefesh Ḥayya* by Rabbi Yeḥezkel Landau
Ya'avetz	Rabbi Ya'akov Emden

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